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ABSTRACT

The purpose of this study is to review developments related to Section 1202 of the Education Amendments of 1972 (Public Law 92-318) as a basis for determining the possible impact of this legislation on statewide planning for public community and junior colleges. Chapter 1 is an introduction to the report. Chapter 2 provides a brief analysis of patterns and practices in the various states before the legislation was enacted. Chapter 3 summarizes major provisions in Section 1202, 1203, and Title X. Chapter 4 describes efforts to develop rules and regulations, the decision not to release them, and reactions throughout the nation. Chapter 5 presents information about the new commissions and the nature of representation as it relates to public community and junior colleges. (Author/DB)

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SECTION 1202 AND STATEWIDE PLANNING FOR PUBLIC COMMUNITY AND JUNIOR COLLEGES: THE NEW REALITY

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PREFACE

Planning for post-secondary education has been an emphasis of state level agencies responsible for community/junior colleges for over a decade. Three different planning monographs have been published by the FSU/UF Center for State and Regional Leadership during the past two years addressing statewide planning for community/junior colleges in the states of California, Florida, and Washington.

Regardless of the sophistication and expertise of planning taking place for community/junior colleges in any given state, unless overall coordination of post-secondary education through a systematic process exists, only partial benefits derive to the citizenry and to the state itself. Jurisdictional responsibilities for different types of institutions or programs at the state level have resulted in unfortunate situations of fragmentation, duplication, and even competition. While some states have successfully resolved such problems through individual negotiation or even legislation, the problem has been so encompassing as to create a concern on the part of the Congress and policymakers at the national level. The education amendments of 1972 represent one further step in federal legislation taken over the past several decades with the intent of bringing coordination and cooperation rather than dichotomy and separatism.

The demand for planning commissions designed to present all interests of post-secondary education covered in Section

1202 of public law 92-318 has the potential of being a milestone in the history of post-secondary education.

This monograph, developed by Dr. T. Harry McKinney, formerly Associate Superintendent in the State of Michigan and now Professor in Administration and Higher Education at Michigan State University, provides an excellent historical description and status report on continuing efforts to bring a synchronized and systematic planning process to post-secondary education. Dr. McKinney developed the monograph as part of an in-service grant from the FSU/UF Center for State and Regional Leadership funded in part from support of the W. K. Kellogg Foundation. The purpose of such in-service grants is to provide opportunities for State Directors of Community/Junior Colleges or their designees to spend a concentrated period of time upon issues or problems of significance to their own state which also have potential applicability to other states. Dr. McKinney undertook this study while in such a position. Recipients of the in-service stipend are assisted by The Florida State University and The University of Florida in outlining a method of attack and assisting the grantee in attaining the resources, information, or experiences which will contribute to the successful completion of the project and then publish the report for distribution to other state agencies.

Appreciation is extended to Dr. James L. Wattenbarger, Director of the Institute of Higher Education at The University of Florida and Colleague Director of the Partnership Program

of State and Regional Leadership. Dr. Frank D. Brown and Miss JoAnne Craig are responsible for arranging printing of the monograph and handling other technical aspects of publication. To all of them I express sincere thanks.

Louis W. Bender, Director and
Professor of Higher Education

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I

INTRODUCTION

In the summer of 1972, a piece of legislation with significant implications for statewide planning at public community and junior colleges was approved by Congress and signed by the President.

This legislation, known as the Education Amendments of 1972, or Public Law 92-318, was important for at least three reasons. First, it amended major legislation from previous years, including the Higher Education Act of 1965, the Vocational Education Act of 1963, and the General Education Provisions Act. Second, it authorized substantial appropriations for both new and existing programs over a period of three years ending June 30, 1975. And third, it extended the benefits of these programs to a wide range of postsecondary institutions -- public, private nonprofit, and proprietary.

For these and other reasons, the Education Amendments of 1972 were referred to as "landmark legislation" in the history of federal funding for education beyond high school. Highly significant was the shift in emphasis from "higher education" to "postsecondary education". This introduced new possibilities and new uncertainties at a time when many institutions were already troubled by reduced growth rates, mounting inflation, and restricted budgets.

The most important feature of the new legislation in terms of statewide planning for public community and junior colleges was Title I,

Part L, which amended Title XII of the Higher Education Act of 1965 and called for state postsecondary education commissions (Section 1202) and comprehensive statewide planning (Section 1203). Closely related to this was Title I, Part J, which amended Title X of the same act and authorized funds for establishment and expansion of community colleges and development of occupational education programs.

It was generally assumed during the fall of 1972 that funds would be appropriated to support these programs. Congress had authorized expenditures, the President had signed the bill, and the U.S. Office of Education was proceeding to develop rules and regulations for establishment of Section 1202 state commissions. However, the picture changed during the winter of 1973 when the President's budget did not include funds for the commissions or related programs. His position became even clearer in March of that year when U.S. Commissioner of Education John Ottina announced that efforts to develop rules and regulations had been suspended.

Approximately one year later, on March 1, 1974, Commissioner Ottina sent a letter to the governor of each state informing the governor that funds had been appropriated for grants and technical assistance to Section 1202 state commissions in carrying out the provisions of Section 1203. The letter also requested the governor to advise the Commissioner on the course of action to be followed in implementing Sections 1202 and 1203 in that state, indicating that the deadline for establishment of Section 1202 state commissions for funding during the current fiscal year was April 15.

In response to this letter, 43 states plus the District of Columbia, American Samoa, Guam, and Puerto Rico have established Section 1202 state commissions for the purpose of engaging in comprehensive statewide planning that involves all postsecondary education in each state. For these states at least, Section 1202 state commissions have become a reality. They will engage in a new type of planning that will undoubtedly influence what is already being done in the various states. This applies to all postsecondary institutions, but it has special meaning for public community and junior colleges in view of the provisions in Title X.

The purpose of this study is to review these and other developments related to Section 1202 as a basis for determining the possible impact of this legislation on statewide planning for public community and junior colleges. Chapter II provides a brief analysis of patterns and practices in the various states before the legislation was enacted. Chapter III summarizes major provisions in Section 1202, 1203, and Title X. Chapter IV describes efforts to develop rules and regulations, the decision not to release them, and reactions throughout the nation. Chapter V presents information about the new commissions and the nature of representation as it relates to public community and junior colleges.

II

RECENT PATTERNS

Discussion of statewide planning in the past has focused generally on higher education as a whole, with special attention given by some authorities to statewide planning for public community and junior colleges.

In trying to understand the implications of Section 1202, it may be helpful to look first at the broader picture. What is the general nature of statewide planning for higher education? What are the types of agencies responsible for this activity in the various states?

Answers to these and related questions provide a framework for consideration of specific arrangements involving community and junior colleges.

Nature of Statewide Planning

Planning is one of the major functions of statewide coordinating agencies and governing boards.

In fact, it is generally viewed as the most important function. Berdahl, for example, said at the beginning of the 1970's that planning was "widely recognized" as the top priority for such agencies.[1] More recently, Glenny and others, including Berdahl, have reinforced this position by stating that planning "provides the operational base and guidelines for which all other functions constitute implementing instruments."[2]

Harcleroad offers a similar view.[3] He contends that comprehensive statewide planning is the "first and basic necessity" for effective operation of such an agency. He also supports the idea that comprehensive statewide planning should focus on postsecondary education rather than higher education.

Planning itself can be defined in many ways. For this reason, Berdahl argues for a distinction between short-range planning and long-range planning, with emphasis on the latter.[4] He defines long-range planning, or master planning, as "the identification of key problems, the accumulation of accurate data about those problems, the analysis of their interrelationships, the extrapolation of future alternatives which might emerge out of present conditions, the assessment of the probable consequences of introducing new variables, the choice of the most desirable (or least undesirable) modified alternatives as the basic goals, a sequential plan for implementing the desired goals, and a built-in feedback system for periodically reevaluating both the goals selected and the means used to achieve them."

The recent report of a task force appointed by the Education Commission of the States also stresses the importance of long-range planning for postsecondary education but adds that this should involve "both strategic and tactical stages in order to produce comprehensive planning."[5] According to the task force, strategic planning "provides the framework within which tactical planning is developed and implemented." The task force states further that strategic planning "is subject to few changes (if any) between major planning cycles and

ought to reflect the fundamental assumptions about postsecondary education, the long-range societal objectives and goals, and the principal missions, roles, and functions of all educational institutions and agencies." Tactical planning, as viewed by the task force, "takes place within the parameters of strategic planning" and includes "short- and intermediate-range goals, developmental time frames, and step-by-step means for achieving strategic goals." It is also "a continuous process with one cycle overlapping, or following immediately upon the previous one."

Types of Planning Agencies

One of the most useful sources of information about the different types of planning agencies is the work by Berdahl mentioned above.[6] Berdahl divides states into four categories: (1) those having neither a single coordinating agency nor a voluntary association, (2) those in which voluntary coordination is performed by the institutions themselves, (3) those having a statewide coordinating board created by statute, and (4) those having a single governing board responsible for one or more institutions. The results of his research show that in 1969 there were 2 states in the first category, 2 states in the second category, 27 states in the third category, and 19 states in the fourth category.

Another source of information that is particularly useful as a result of Section 1202 is the report by Zwingle and Rogers describing the various boards responsible for higher education throughout the United States.[7] This report presents the results of a survey conducted

in 1970 to determine the nature and purposes of such boards. The survey covered 289 boards and 1,286 institutional units under their jurisdiction. Boards were divided into five categories: (1) governing, (2) multi-campus governing, (3) governing-coordinating, (4) coordinating, and (5) other.

A "state board responsible for higher education" is defined in the report as "a legally constituted body having some direct responsibility for the government, coordination, or supervision of public higher educational institutions, including professional schools, universities, 4-year colleges, 2-year colleges, technical institutes, or related types of education beyond high school." Definitions for the different types of boards reveal that a "governing board" has responsibility for direct control and operation of a single institutional unit; a "multicampus governing board" has responsibility for direct control and operation of a system involving more than one institutional unit; a "governing-coordinating board" has responsibility for functioning both as a coordinating board and a governing board for two or more institutions in a state where no separate statewide coordinating boards exists; a "coordinating board" has certain responsibilities related to planning, budgeting, and programing but does not have authority to govern institutions; and "other" boards have responsibility at the state level for supervising, accrediting, certifying, advising, or performing similar functions without authority to govern or coordinate.

This report by Zwingle and Rogers has two main advantages. First,

it provides detailed information about the characteristics of various boards in each state. Second, it provides an organization chart for each state showing lines of authority and responsibility.

For example, the report shows that California had five state boards responsible for higher education in 1970 -- the California Coordinating Council for Higher Education, the Regents of the University of California, the Trustees of the California State Colleges, the Board of Governors of the California Community Colleges, and the Board of Governors of the California Maritime Academy. The first of these was classified as a coordinating board; the second and third were classified as multicampus governing boards; the fourth was classified as a coordinating board; and the fifth was classified as a governing board.

Another example is Michigan, which had a different arrangement that year. In Michigan, there were 15 state boards responsible for higher education, given the definition used in the report. One was the State Board of Education, which served as the planning and coordinating body for all public education, including higher education, and was classified as a coordinating board. Another was the State Board for Public Community and Junior Colleges, which was advisory to the State Board of Education and also classified as a coordinating board. The remaining boards were all directly responsible for one of 13 public baccalaureate institutions in Michigan. Twelve were classified as governing boards. One was classified as a multicampus governing board.

State Boards for Community and Junior Colleges

A study conducted by Wattenbarger and Sakaguchi in 1970 provides detailed information about characteristics and activities of state boards responsible for governance or coordination of public community and junior colleges.[8]

In that study, boards were grouped into four categories: (1) boards responsible solely for community and junior colleges, (2) boards responsible for all public institutions of higher education, (3) boards responsible for state university systems through which community and junior colleges were administered, and (4) boards responsible for all public educational institutions. Each board was also identified in terms of its operational role as (1) a governing board, (2) a coordinating board, or (3) a governing-coordinating board. A governing board was defined as one which is "legally charged with the direct control and operation of community junior colleges"; a coordinating board was defined as one which is "legally charged with organizing, regulating, or otherwise bringing together overall policies or functions in areas of planning, budgeting, and programing, but does not have authority to govern"; and a governing-coordinating board was defined as one which is "legally charged with responsibilities for governing and coordinating the activities of the colleges."

The study reveals that 13 states had boards responsible for community and junior colleges only; 11 had boards responsible for all public institutions of higher education; 5 had boards responsible for state university systems through which community and junior colleges

were administered; and 14 had boards responsible for all public educational institutions. The other 7 states either had no community and junior colleges or no boards with roles that justified inclusion in the study.

States in each category are listed in Table 1 according to operational roles. States with separate boards responsible for community and junior colleges only were Arizona, California, Colorado, Connecticut, Delaware, Illinois, Maryland, Massachusetts, Minnesota, Mississippi, Virginia, Washington, and Wyoming. States with boards responsible for all public higher education were Arkansas, Georgia, New Jersey, New Mexico, Ohio, Oklahoma, South Carolina, Texas, Utah, West Virginia, and Wisconsin. States with boards responsible for state university systems through which community and junior colleges were administered are Alaska, Hawaii, Kentucky, Nevada, and New York. States with boards responsible for all public education were Alabama, Florida, Idaho, Iowa, Kansas, Louisiana, Michigan, Missouri, Montana, North Carolina, Oregon, Pennsylvania, Rhode Island, and Tennessee.

REFERENCES

1. Robert O. Berdahl. Statewide Coordination of Higher Education. Washington, D.C.: American Council on Education, 1971, p. 73.

2. Lyman A. Glenny and others. Coordinating Higher Education for the '70s. Berkeley: Center for Research and Development in Higher Education, 1971, p. 25.

3. Fred F. Harcleroad (ed.). Planning for State Systems of Postsecondary Education. Iowa City: American College Testing Program, 1973, p. 4.

4. Berdahl, op. cit., pp. 73-74.

Table 1

TYPES OF STATE-LEVEL BOARDS FOR
COMMUNITY AND JUNIOR COLLEGES IN 1970,
OPERATIONAL ROLES, AND STATES IN EACH CATEGORY

	Governing	Governing-Coordinating	Coordinating
Boards Responsible for Community and Junior Colleges Only	Minnesota Delaware Connecticut	Massachusetts Washington Virginia Arizona Colorado	California Illinois Mississippi Maryland Wyoming
Boards Responsible for All Institutions of Higher Education	Georgia Utah West Virginia		Arkansas New Mexico New Jersey Ohio Oklahoma South Carolina Texas Wisconsin
Boards Responsible for State University Systems	Hawaii	Alaska Kentucky Nevada New York	
Boards Responsible for All Public Educational Institutions	Louisiana Tennessee	Alabama Oregon	Florida Idaho Iowa Kansas Michigan Missouri Montana North Carolina Pennsylvania Rhode Island

Source: James L. Wattenbarger and Melvyn Sakaguchi. State Level Boards for Community Junior Colleges: Patterns of Control and Coordination. Gainesville: Institute of Higher Education, University of Florida, August, 1971.

5. Task Force on Statewide Comprehensive Planning for Postsecondary Education. Comprehensive Planning for Postsecondary Education. Denver: Education Commission of the States, n.d. (1971), p. 4.

6. Berdahl, op. cit., pp. 18-21.

7. J.I. Zwingle and Mabel E. Rogers. State Boards Responsible for Higher Education, 1970. Washington: U.S. Government Printing Office, 1972.

8. James L. Wattenbarger and Melvyn Sakaguchi. State Level Boards for Community Junior Colleges: Patterns of Control and Coordination. Gainesville: Institute of Higher Education, University of Florida, August, 1971.

III

LEGAL REQUIREMENTS

The Education Amendments of 1972 contain several sections related to statewide planning for public community and junior colleges.

As noted earlier, two of these appear in Title I, Part L, which amends Title XII of the Higher Education Act of 1965 and calls for state postsecondary education commissions (Section 1202) and comprehensive statewide planning (Section 1203).[1] Others appear in Title I, Part J, which amends Title X of the same act and authorizes funds for establishment and expansion of community colleges and development of occupational education programs.[2]

State Postsecondary Education Commissions

Section 1202 calls for establishment or designation of state postsecondary education commissions that will have certain responsibilities prescribed in the law (Appendix A). Subsection (a) reads as follows:

> Any State which desires to receive assistance under Section 1203 or Title X shall establish a State Commission or designate an existing State agency or State Commission (to be known as the State Commission) which is broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State including community colleges (as defined in Title X), junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four-year institutions of higher education and branches thereof.

Given this wording, the importance of Section 1202 obviously depends on provisions in Section 1203 and Title X. The purpose of estab-

lishing or designating a state postsecondary education commission is to receive assistance under these provisions. The commission itself must be "broadly and equitably representative of" the general public and three broad categories of postsecondary institutions -- public, private nonprofit, and proprietary. Furthermore, this representation must include community colleges, junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four-year institutions of higher education, and branches of these institutions.

Section 1202 has three other subsections with additional provisions. Subsection (b) provides that the state postsecondary education commissions may establish committees or task forces and utilize existing agencies or organizations to assist them in their work; subsection (c) gives each state authority to designate its commission as the appropriate agency for certain other federal programs; and subsection (d) outlines requirements related to those programs if this is not done. The programs involve grants for community services and continuing education, equipment for undergraduate instruction, and construction of undergraduate academic facilities.

Comprehensive Statewide Planning

Section 1203 authorizes grants for comprehensive statewide planning to be carried out by the Section 1202 State Commissions (Appendix A). Subsection (a) describes the nature of the planning to be done:

> The Commissioner is authorized to make grants to any State Commission established pursuant to Section 1202 to enable it to expand the scope of the studies and planning required in

> Title X through comprehensive inventories of, and studies with respect to, all public and private postsecondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded, or altered so that all persons within the State who desire, and who can benefit from, postsecondary education may have an opportunity to do so.

Subsection (b) states that the Commissioner "shall make technical assistance available to State Commissions, if so requested, to assist them in achieving the purposes of this section." Subsection (c) states that "there are authorized to be appropriated such sums as may be necessary to carry out this section."

Establishment and Expansion of Community Colleges

Title X has three parts, each containing several sections (Appendix B). Part A deals with the establishment and expansion of community colleges. Part B encourages development and improvement of occupational education programs. Part C calls for establishment of certain agencies in the U.S. Office of Education to be responsible for administration of Title X and other legislation.

Under Part A, Section 1001 authorizes an appropriation of $15.7 million for the period July 1, 1972 to June 30, 1974 to be used by Section 1202 State Commissions in developing statewide plans for expansion or improvement of postsecondary education programs in community colleges. The plans must meet specific requirements listed in Section 1001 and must be approved by the Commissioner. Furthermore, each State Commission must establish an advisory council on community colleges to be composed of a substantial number of persons having responsibility for operation of community colleges, representatives of state agencies

having responsibility for or an interest in postsecondary education, and representatives of the general public.

Sections 1011 to 1017 authorize the Commissioner to carry out a program of grants to encourage and assist states and localities in establishing or expanding community colleges. As shown in Table 2, amounts of $50 million, $75 million, and $150 million are authorized for a three-year period ending June 30, 1975. Three types of grants are identified -- establishment grants, expansion grants, and grants for lease of facilities. Grants are made directly to institutions, but all applications must be consistent with plans to be developed under Section 1001 before they can be approved.

Section 1018 provides a definition of the term "community college" as used in Title X. According to this definition, a community college is any junior college, postsecondary vocational school, technical institute, or any other educational institution, including a four-year institution or branch of that institution, which (1) is legally authorized within a state to provide a program of education beyond secondary education; (2) admits as regular students persons who are either high school graduates, or the equivalent, or are at least 18 years of age; (3) provides a two-year postsecondary educational program which leads to an associate degree or is acceptable for credit toward a bachelor's degree in addition to programs of postsecondary vocational, technical, occupational, and specialized education; (4) is a public or other nonprofit institution; and (5) is either accredited as an institution by a nationally recognized accrediting agency or as-

Table 2

TITLE X AUTHORIZATIONS FOR THE
FISCAL YEARS ENDING
JUNE 30, 1973, 1974, AND 1975
(millions of dollars)

	1973	1974	1975
Establishment and Expansion of Community Colleges	$ 50	$ 75	$150
Development of Occupational Education Programs	100	250	500
Totals	$150	$325	$650

Note: Excludes $15.7 million authorized under Section 1001(b) for the period from July 1, 1972 to June 30, 1974 to support the development of statewide plans for expansion or improvement of postsecondary education programs in community colleges.

sociation or can demonstrate certain other accomplishments related to accreditation.

Development of Occupational Education Programs

Under Part B of Title X, Section 1051 authorizes appropriations of $100 million, $250 million, and $500 million for a three-year period ending June 30, 1975.

It states that 80 percent of the funds appropriated for the first year must be available for establishing administrative arrangements under Section 1055, for making planning grants under Section 1056, and for initiating programs under Section 1057. The other 20 percent, according to Section 1051, must be available for technical assistance under Section 1059(a). Section 1051 also states that 15 percent of the amount appropriated for each succeeding year must be reserved for grants and contracts under Section 1059(b).

Section 1055 requires any State desiring to participate in the program to establish or designate a State agency which will have sole responsibility for fiscal management and administration of the program in accordance with plans to be developed under Section 1056. The agency is required to adopt administrative arrangements which will provide certain assurances to the Commissioner regarding responsibilities of the State Advisory Council on Vocational Education and opportunities for hearings by institutions or groups of institutions.

Section 1056 authorizes grants to Section 1202 State Commissions to be used to strengthen State Advisory Councils on Vocational Education and to enable State Commissions to initiate and conduct compre-

hensive programs of planning for occupational education. Planning activities must include (1) assessment of capabilities, facilities, and needs; (2) consideration of the most effective means to utilize all existing institutions; (3) development of an administrative procedure for resolving differences among institutions; (4) development of a long-range strategy for infusing occupational education into elementary and secondary education; and (5) development of procedures to insure continuous planning and evaluation. The activities must also involve active participation of numerous state agencies specified in the law, representatives of institutions and schools, and representatives of business, industry, organized labor, agriculture, and the general public.

Section 1057 authorizes program grants to any State which has satisfied the requirements of Section 1058 and which submits applications through the Section 1055 agency. Grants may be used for six major purposes: (1) assistance to the Section 1055 agency; (2) design, establishment, operation, expansion, or improvement of postsecondary occupational education programs; (3) design, establishment, and operation of programs to carry out the long-range strategy for infusing occupational education into elementary and secondary education; (4) design of high-quality instructional programs to meet the needs for postsecondary occupational education and development of an order of priorities for placing these programs in operation; (5) special training and preparation of persons to teach, administer, or assist in carrying out occupational education programs; and (6) leasing, renting, or

remodeling of facilities required to carry out these programs.

Section 1058 requires assurance from the Section 1202 State Commission that planning requirements of Section 1056 have been met and assurance from the Section 1055 agency that certain other requirements have been met.

Section 1059(a) requires the Commissioner to provide technical assistance to states in planning, designing, and carrying out the activities described above. Section 1059(b) authorizes grants for model or demonstration programs, for incentive or supplemental grants, and for particular programs or projects which have "special potential for helping to find solutions to problems on a regional or national basis."

Section 1060 provides a definition of postsecondary occupational education to be used for Part B. According to this definition, an educational program must meet four basic requirements to be classified as part of postsecondary occupational education. First, it must be intended for persons who are 16 years of age or older and who have graduated from or left elementary or secondary schools. Second, it must be conducted by an institution legally authorized to provide postsecondary education within a state. Third, it must be designed to prepare people for gainful employment at subprofessional levels or for enrollment in advanced technical programs. Fourth, it must not be viewed by the Commissioner as a program designed to prepare people for occupations which are either professional in nature or which require baccalaureate or advanced degrees.

Bureau of Occupational and Adult Education

Part C of Title X establishes a Bureau of Occupational and Adult Education in the Office of Education to be responsible for administration of Title X, the Vocational Education Act of 1963, the Adult Education Act, and various other functions or legislative requirements. It also establishes a Community College Unit in the Office of Education which "shall have the responsibility for coordinating all programs administered by the Commissioner which affect, or can benefit, community colleges, including such programs assisted under this Act, and the Vocational Education Act of 1963."

REFERENCES

1. Public Law 92-318, 92nd Congress, S.659, June 23, 1972, pp. 89-90.

2. Ibid., pp. 77-88.

IV

RELATED DEVELOPMENTS

Several developments since the summer of 1972 need to be considered in determining the possible impact of Section 1202 on statewide planning for community and junior colleges. These include the work of the Task Force on State Postsecondary Education Commissions, the failure of the U.S. Office of Education to release guidelines for establishment of Section 1202 state commissions, hearings conducted by the Special Subcommittee on Education in the U.S. House of Representatives, and the recent letter from the U.S. Commissioner of Education inviting governors of the various states to establish Section 1202 commissions for funding during the current fiscal year.

Task Force Activities

Following enactment of the Education Amendments of 1972, a Task Force on State Postsecondary Education Commissions was created by the U.S. Office of Education to develop guidelines for implementation of Section 1202. This was announced to the educational community on September 8, 1972, in a memorandum from Dr. Joseph P. Cosand, then Deputy Commissioner for Higher Education.[1]

On December 4 of that year, a preliminary report in the form of an issue paper was distributed widely throughout the nation with a letter from Dr. Cosand requesting written comments by December 18.[2] The report was divided into four parts. Part I explained the functions of

the new commissions; Part II provided background information about planning activities in the various states; Part III presented some general assumptions about the purposes of Section 1202; and Part IV listed major issues and proposed answers.

In Part I, the Task Force explained that a Section 1202 state commission would need to assume certain statutorily specified functions if a state wanted to receive assistance under Section 1203 (Comprehensive Statewide Planning); Title X, Part A (Establishment and Expansion of Community Colleges); or Title X, Part B (Occupational Education Programs). It noted further that at any time after July 1, 1973, a state could choose to designate this body as the state agency or institution responsible for Title I, Section 105 (Community Service and Continuing Education); Title VI, Part A, Section 603 (Equipment for Undergraduate Instruction); and Title VII, Part A, Section 704 (Grants for the Construction of Undergraduate Academic Facilities). Finally, it called attention to the fact that Section 404(b) of the General Education Provisions Act, as amended, contained wording to the effect that grants or contracts for the improvement of postsecondary education authorized in Section 404(a) should not be made or entered into unless they had been submitted to the appropriate Section 1202 State Commission for comments and recommendations.

In Part II, the Task Force contended that Section 1202 State Commissions would not represent a "totally new departure" for the various states. It referred to the different types of agencies with planning authority that had already been established in 48 states. It also

called attention to the fact that a number of federal programs in the past had required establishment of state commissions charged with one aspect of postsecondary education planning.

In Part III, the Task Force listed eleven general assumptions about the intent of Section 1202, some of which quickly became focal points for disagreement. Briefly, the assumptions were (1) that states should provide more efficient use of financial resources; (2) that they should provide more rational and more coordinated services to students as consumers; (3) that each state should create a closely articulated system of planning for postsecondary education with special reference to occupational education and community college education; (4) that the emphasis of the legislation was on coordinative and comprehensive statewide planning for postsecondary education with special reference again to occupational education and community college education; (5) that occupational education should be given increased emphasis in postsecondary education; (6) that a single comprehensive planning process should encompass all postsecondary education in order to lessen disparate planning efforts of existing agencies; (7) that there was a demand for an absolute increase in the amount, intensity, and quality of state coordination in planning and planning implementation; (8) that there was clearly a need and intent to achieve the objectives in items 4 to 7 through a stronger coordinative process in relation to planning; (9) that Congress recognized the need for changes and improvements in the planning and coordination of all segments of postsecondary education; (10) that the basic federal role with respect to establishment of

Section 1202 state commissions was to encourage and facilitate individualized state-by-state responses to a congressional mandate; and (11) that the preparation of federal rules and regulations should be guided by certain considerations including timing, intent, and experience under other federal programs.

In Part IV, the Task Force presented a series of questions and proposed answers related to establishment, operation, and administration of Section 1202 State Commissions. Questions related to establishment of the State Commissions are listed in Exhibit 1. Some of the proposed answers, like the general assumptions, were also not entirely acceptable to the educational community.

Failure to Release Guidelines

It was assumed by many people who responded to the request for comments that a revised report including proposed rules and regulations would be prepared and approved by the U.S. Office of Education as a basis for establishment or designation of Section 1202 State Commissions.

However, on March 7, 1973, Dr. John Ottina, Acting Commissioner of Education, addressed a letter to members of the educational community indicating a decision to the contrary.[3] The letter stated that the U.S. Office of Education had received almost 500 substantive responses to the preliminary report, that these responses were analyzed by the Task Force during the period from December 18 to January 12, and that a revised report was submitted to him on February 1.

The letter then pointed out that the federal budget for 1973-74 provided "almost no functions for the Section 1202 State Commissions to

Exhibit 1

QUESTIONS RELATED TO ESTABLISHMENT
OF SECTION 1202 STATE COMMISSIONS

A-1 By whose authority, and under what conditions, are the Section 1202 State Commissions to be established?

A-2 By what administrative procedures should the Section 1202 State Commissions be established?

A-3 What subjects should be covered in the "comprehensive and detailed description of the role and function of the proposed Section 1202 State Commission" which is submitted to the U.S. Commissioner by the State appointing authority?

A-4 What guidance should be supplied in the Federal rules and regulations to assist the State appointing authority in determining the relationship of the Section 1202 State Commission with various Federal programs and the related State agencies previously established or called for in the Higher Education Act, as amended, as a condition for participation in such programs?

A-5 What guidance should be supplied in the Federal rules and regulations to assist the State appointing authority in establishing a Section 1202 State Commission which is "broadly and equitably representative" of the general public and the postsecondary education community, and in supplying the "documented evidence and assurance of compliance" with the representation requirement?

A-6 What guidance should be supplied in the Federal rules and regulations to assist the State Commissions in establishing initial committees or task forces of the Section 1202 State Commissions?

A-7 What provisions should be made in the Federal rules and regulations for review of the decisions made by the State appointing authority and/or the U.S. Commissioner of Education with regard to the establishment of a Section 1202 State Commission?

perform." It said that some of the programs identified with the State Commissions were "scheduled to be terminated" while others would not be funded. It concluded with a statement that plans for distribution of the revised report had been deferred indefinitely and that all activity related to establishment of the State Commissions had been suspended.

In view of this letter and other developments, the Education Commission of the States made a telephone survey of actions taken in the 50 states prior to March 30 with regard to Section 1202 (Appendix C). The survey revealed that action by governors had led to establishment or designation of Section 1202 State Commissions in 9 states (Louisiana, Maryland, Mississippi, Missouri, Oklahoma, Oregon, Texas, Virginia, and Washington), that legislative action for this purpose had been completed in 4 states (Montana, New Mexico, South Dakota, and Wyoming), and that legislation had been introduced in 7 other states (Alaska, California, Connecticut, Iowa, Nebraska, New Hampshire, and North Dakota). Survey comments on actions pending in the remaining States revealed that practically all of them were waiting for distribution of final guidelines before taking further action.

Hearings by Special Subcommittee

The March 7 letter from Commissioner Ottina prompted Congressman James G. O'Hara, Chairman of the Special Subcommittee on Education in the House of Representatives, to arrange oversight hearings on the administration of Section 1202. The hearings took place on April 9, 11, and 12, 1973.[4]

In his opening statement on the first day of the hearings, Congressman O'Hara indicated that he objected "rather firmly" to some of the wording in the March 7 letter. He said Commissioner Ottina had made a common mistake by assuming that failure of the President to recommend funding for certain programs could be interpreted as a decision to terminate those programs. According to the Congressman, "the decision as to termination will be made, in accordance with the Constitution, by the Congress, not by the Office of Education, not by the Office of Management and Budget, and not by the President acting on his own."

Witnesses on the first day of the hearings included Mr. Aims C. McGuinness, Jr., Executive Assistant to the Chancellor, University of Maine; Mr. Charles L. Wheeler, Director, North Carolina State Commission on Higher Education Facilities; and Dr. Edmund Gleazer, Jr., President, American Association of Junior and Community Colleges. Mr. McGuinness reviewed provisions in the law, differences between Senate and House agreements, arguments for and against implementation of Section 1202, and continuing issues related to implementation. Mr. Wheeler described the activities of state higher education facilities commissions and their relationship to the proposed state postsecondary education commissions. Dr. Gleazer stressed the importance of Title X to community and junior colleges. All three witnesses favored distribution of the revised report for review by state and institutional officials.

Witnesses on the second day included Dr. William C. Friday, Presi-

dent, University of North Carolina; Dr. Warren G. Hill, President-Elect, State Higher Education Executive Officers Association; and Dr. Darrell Holmes, President, East Stroudsburg State College. Speaking on behalf of the American Council on Education, Dr. Friday said the objectives of Section 1202 were endorsed by most of the institutions of higher education in the nation. He commented favorably on the preliminary report of the Task Force on State Postsecondary Education Commissions and urged widespread distribution of the revised report.

Dr. Hill, representing the State Higher Education Executive Officers Association, emphasized the role of the states in funding and planning higher education. He said the Office of Education should be congratulated on its approach to development of the revised report and expressed the hope that it would be released "if for no other reason than to clear up the confusion and to continue to act as a catalyst for discussion and action."

Dr. Holmes appeared as a representative of the American Association of State Colleges and Universities and the National Association of State Universities and Land-Grant Colleges. In his prepared statement, he commented first on "the broader question of the relationship between bills passed by the Congress and signed into law by the President and the implementation of those laws by the appropriate executive departments." He then expressed concern about the centralizing effect of proposals in the preliminary report, but commended the Office of Education for distributing it widely to interested parties. Like other witnesses before him, he urged dissemination of the revised report to mem-

bers of the postsecondary education community.

Witnesses on the last day of the hearings were Commissioner Ottina and Dr. John D. Phillips, Chairman of the Task Force on State Postsecondary Education Commissions.

Commissioner Ottina reviewed activities of the Task Force leading to preparation of the revised report. He said the President's budget for 1973-74 had been submitted to the Congress by the time the report was completed, which led to the decision to defer plans for distribution of the report and to suspend activities related to establishment of Section 1202 State Commissions. He said the decision was based on the feeling that "it would be unwise and unfair to encourage States to alter established systems for the planning and coordination of postsecondary education without the promise of some Federal financial support for their activities."

In response to a question, he then called on Dr. Phillips to summarize responses to the preliminary report. Dr. Phillips said responses fell into three major categories: (1) concern that Section 1202 State Commissions would disrupt ongoing efforts at the state level, (2) anxiety about the possibility that these State Commissions might have coordinating as well as planning functions, and (3) uncertainty about the meaning of the term "broadly and equitably representative". On request, Dr. Phillips summarized the major differences between the preliminary report and the revised report. His summary and both reports were included in the record of the hearings.

An important difference of opinion between Congressman O'Hara and

Commissioner Ottina about distribution of the revised report was evident at the spring meeting of the State Higher Education Executive Officers Association in Washington, D.C., from May 2 to May 4.[5] In one session, Congressman O'Hara said refusal to issue guidelines was contrary to the intent of Congress and probably represented an effort to prevent Congress from funding related programs. He urged members of the Association to "give careful thought to carrying out the law the way the law reads." He said the law does not require the Commissioner of Education "to further define what the law means before state agencies can qualify for the payments." He argued that States should "proceed" with efforts to create Section 1202 State Commissions and let the courts decide whether or not the Commissioner should fund activities. This, he concluded, would help in the process of getting funds for some of the programs.

In another session the following day, Commissioner Ottina urged members of the Association to "postpone" efforts related to establishment or designation of Section 1202 State Commissions. He said the decision to defer plans for distribution of the revised report was based "purely" on the fact that the President's budget did not include funds for programs to be administered by the State Commissions and that it should not "in any sense" be interpreted as indicating a belief that "planning and planning commissions should not exist."

Views of State Directors

All of these developments had taken place when the present study was initiated. Some states had established Section 1202 State Commissions. Others were waiting for guidelines or appropriation of funds. Proceed or postpone? That was a critical question for many people.

Several other questions that seemed important at the time dealt with state directors of community and junior colleges. How had they responded to the request for comments on the preliminary report of the Task Force on State Postsecondary Education Commissions? What had they done to protect the interests of their institutions in what appeared to be a struggle for influence in many states? What were the prospects for the future as they viewed them?

To obtain answers for questions of this kind, a letter was mailed to all members of the National Council of State Directors of Community/Junior Colleges in June of 1973. The letter requested statements about the status of efforts related to establishment or designation of Section 1202 State Commissions, actions taken or proposed by appropriate state officials, roles played by Council members in these activities, positions taken on various issues, concerns about agreements reached, and problems that might be encountered in the future.

Responses varied from state to state. It was obvious that some members of the Council had been deeply involved in activities related to the new legislation. Others had not. Some expressed satisfaction with agreements reached in their respective states. Others were concerned about their ability to obtain adequate representation. Some

favored comprehensive statewide planning for postsecondary education. Others were disturbed about the possibility.

Interviews with some of the Council members at their summer workshop in July indicated that concerns were generally greater than those expressed in written responses. Perhaps the greatest concern involved state directors of vocational education or adult and continuing education. There were several references to a conference in New Orleans during January of 1973 where problems involving all three groups of state officials were discussed.[6] Another concern was related to inclusion of proprietary institutions in the new legislation. Statements reflected a belief that this would lead to increased competition in many states that might be detrimental to community and junior colleges. Still another concern was the inclusion of baccalaureate institutions, or branches of these institutions, in the definition of community colleges under Title X, Part A. This was also viewed as a feature of the new legislation that might lead to increased competition among institutions.

In short, these and other concerns expressed by Council members reflected some basic uncertainties about the impact of the new legislation on existing arrangements in the various states and the ability of community and junior colleges to maintain present levels of influence in a highly competitive situation. Because of this, perhaps, there seemed to be relatively little support for funding of Section 1203 or Title X.

Expressing his own interest in these matters, S.V. Martorana gave

a speech at a conference in St. Louis on May 10, 1973, in which he dealt with the question of whether the Section 1202 commissions would be a centripetal or centrifugal force in postsecondary education.[7] After reviewing the setting within which statewide planning for community and junior colleges must take place, the possible impact of Section 1202 on this setting, growing interest in information systems, and the danger of statewide planning and coordination becoming statewide control and governance, he reached four conclusions that deserve widespread attention.

He said (1) that there is no escape from comprehensive statewide planning, (2) that statewide planning and coordination of all postsecondary education will happen regardless of the "stop action" position in Washington, (3) that statewide planning and coordination in the future will be more closely related to clusters of institutions rather than individual campuses, and (4) that "explosive" changes will occur in the leadership and power structure of postsecondary education which will have a greater impact on baccalaureate institutions than any other segment of postsecondary education.

His recommendations, based on these conclusions, were (1) that community and junior college leaders at the state level should join with colleagues at the local level to protect the right to engage in their own planning, (2) that this planning should be done in cooperation with other segments of postsecondary education, (3) that community and junior colleges must define and obtain information needed for their own planning efforts, (4) that they should insist on the right

to disseminate their own plans and conclusions, and (5) that community and junior college planners at the state level should "expedite or accelerate the shift of information use away from management purposes and toward evaluation and accountability purposes."

REFERENCES

1. Memorandum from Dr. Joseph P. Cosand to educational officials dated September 8, 1972.

2. Reproduced in U.S. Congress, House of Representatives, State Postsecondary Education Commissions, Oversight Hearings before the Special Subcommittee on Education, 93rd Congress, 1st Session, April 9, 11, and 12, 1973. Washington: U.S. Government Printing Office, 1973, pp. 125-138.

3. Ibid., pp. 20-21.

4. Ibid.

5. T. Harry McKinney. "Section 1202: Proceed or Postpone?" Paper presented at the 20th Annual Meeting of the State Higher Education Executive Officers Association, July 30, 1973.

6. Proceedings of A National Invitational Conference on Post-Secondary Career Education, January 18-20, 1973. Columbus: Center for Vocational and Technical Education, Ohio State University, 1973.

7. Martorana, S.V. State-Level Planning for Community Colleges: Are the 1202 Commissions a Centripetal or Centrifugal Force in Postsecondary Education? Iowa City, Iowa: American College Testing Program, 1974.

V

NEW COMMISSIONS

On March 1, 1974, Commissioner Ottina sent a letter to the governors of all states and eligible territories (Appendix D) informing them that appropriations for the fiscal year 1974 included $3 million for grants and technical assistance to Section 1202 state commissions in support of comprehensive statewide planning as described in Section 1203, with the understanding that some of the funds would be needed for ongoing activities of higher education facilities commissions. The letter stated further that allotments to the facilities commissions would be limited to a maximum of $2 million, leaving at least $1 million for comprehensive statewide planning.

With regard to Section 1202 state commissions, Commissioner Ottina said that states were not required to establish these commissions unless they wanted to apply for funds, that the law implied three options for meeting the criteria set forth in Section 1202, that the only function authorized by law for the commissions was planning for postsecondary education, that a state could designate its commission as the state agency for certain other programs if it chose to do so, and that the law required the commission to be broadly and equitably representative of the general public and the various types of institutions listed in Section 1202. The three options for meeting the criteria in Section 1202 were (1) creation of a new commission that would meet the criteria,

(2) designation of an existing state agency or state commission that already meets the criteria, or (3) augmentation of an existing state agency or state commission to meet the criteria. Other programs that could be assigned to the Section 1202 commission were Community Services and Continuing Education (Section 105, HEA), Equipment for Undergraduate Instruction (Section 603, HEA), and Construction of Undergraduate Academic Facilities (Section 704, HEA).

Commissioner Ottina then invited the governor of each state to advise him on the course of action to be followed in implementing Sections 1202 and 1203. He requested a response not later than April 15 if the state desired to establish a Section 1202 commission, indicating that this response should include (1) a statement of the option chosen to meet the criteria in Section 1202; (2) names of other programs to be assigned to the commission; (3) the official name, address, and telephone number of the commission; (4) names, mailing addresses, and terms of office for commission members; (5) the name, title, mailing address, and telephone number of the principal staff officer; and (6) a letter signed by the governor explaining how membership on the commission met the "broadly and equitably representative" requirements of Section 1202 and what provisions had been made to insure continuing compliance with those requirements.

Responses from governors on or before the deadline, which was later extended to April 25, reveal that 43 states plus the District of Columbia, American Samoa, Guam, and Puerto Rico have established Section 1202 commissions for funding during the current fiscal year.

Furthermore, these letters reveal that 15 states (plus the District of Columbia and American Samoa) chose the option of establishing new commissions, 19 states chose the option of designating existing state agencies or state commissions, and 9 states (plus Guam and Puerto Rico) chose the option of augmenting existing state agencies or state commissions. States that did not establish Section 1202 commissions for funding at this time are Alaska, Colorado, Kentucky, North Carolina, Tennessee, Virginia, and Wisconsin.

New Commissions

As shown in Table 3, states that chose to establish new commissions are Alabama, Arizona, California, Delaware, Georgia, Kansas, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, South Dakota, Texas, Vermont, and West Virginia.

Membership on these commissions ranges from 9 in Alabama to 33 in Minnesota. The average for all 15 states is 17 members.

Representation of public community and junior colleges is described in the table. In some states, representation includes one or more presidents of community and junior colleges. In other states, it includes one or more representatives of state boards for community and junior colleges.

Existing Commissions

Table 4 provides information for states that chose to designate existing state agencies or state commissions as Section 1202 commissions. The states are Connecticut, Florida, Idaho, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, Missouri, Montana, New Jersey, New Mexico, New York,

Table 3

NEW COMMISSIONS AND REPRESENTATION OF PUBLIC COMMUNITY AND JUNIOR COLLEGES

State	Commission Established	Number of Members	Representation of Public Community and Junior Colleges
Alabama	Alabama Post-Secondary 1202 Commission	9	Includes the president of a community college
Arizona	Arizona Commission for Postsecondary Education	14	Includes three persons from the state community college system
California	California Postsecondary Education Commission	23	Includes two members of the Board of Governors of the California Community Colleges
Delaware	Delaware Postsecondary Education Commission	11	Includes the president of a technical and community college
Georgia	Georgia Postsecondary Education Commission	17	Includes the president of a community/junior college
Kansas	Legislative Educational Planning Committee	11	Includes two state senators and three state representatives from districts where community colleges are located

State	Commission Established	Number of Members	Representation of Public Community and Junior Colleges
Minnesota	Minnesota State Post-Secondary Education Planning Commission	33	Includes three representatives of the state community college system--one staff person from the State Board for Community Colleges, one academic dean, and one faculty member
Mississippi	Postsecondary Education Planning Board	22	Includes two presidents and two staff persons from public junior colleges
Nebraska	Nebraska Coordinating Council for Postsecondary Education	15	Includes the president of a community college
Nevada	Nevada Higher Education Commission	11	Includes the nine members of the Board of Regents for the University of Nevada system who are broadly representative of postsecondary institutions
New Hampshire	New Hampshire Postsecondary Education Commission	21	Includes eight persons representative of public four-year institutions and public vocational schools
South Dakota	Education and Cultural Affairs Planning Commission	13	Includes the president of a junior college designated as a representative of the general public and a member of the Board of Regents which is responsible for public community colleges

State	Commission Established	Number of Members	Representation of Public Community and Junior Colleges
Texas	Governor's Advisory Committee on Postsecondary Educational Planning	17	Includes the President of the Texas Public Junior College Association and the Commissioner of the Coordinating Board for the Texas College and University System
Vermont	Vermont Higher Education Planning Commission	16	Includes two representatives of the state college system which embraces community colleges and technical colleges
West Virginia	West Virginia Postsecondary Education Commission	15	Includes the nine appointed members of the West Virginia Board of Regents, the governing body for the 14 state-controlled postsecondary institutions, including community colleges

Source: Letters from governors to Commissioner Ottina

Table 4

EXISTING COMMISSIONS AND REPRESENTATION OF
PUBLIC COMMUNITY AND JUNIOR COLLEGES

State	Commission Established	Number of Members	Representation of Public Community and Junior Colleges
Connecticut	Commission for Higher Education	17	Includes a member of the board of trustees of a community college
Florida	State Planning Council for Post-High School Education	11	Includes one representative of public community colleges
Idaho	State Board of Education	8	Charged with the governance of all public postsecondary education
Illinois	Illinois Board of Higher Education	17	Includes the chairman of the Community College Board

State	Commission Established	Number of Members	Representation of Public Community and Junior Colleges
Indiana	Indiana Commission for Higher Education	12	Viewed as being broadly and equitably representative
Iowa	Iowa Higher Education Facilities Commission	9	Includes the State Superintendent of Public Instruction
Louisiana	Louisiana Coordinating Council for Higher Education	15	Includes one representative of the L.S.U. Board of Supervisors and one representative of the State Board of Education
Maryland	Maryland Council for Higher Education	13	Includes a member of the State Board for Community Colleges

State	Commission Established	Number of Members	Representation of Public Community and Junior Colleges
Michigan	State Board of Education	10	Eight members elected at large in statewide elections--responsible for planning and coordination of all public education, including higher education--includes the Governor and the State Superintendent of Public Instruction as ex-officio members
Missouri	Missouri Commission on Higher Education	10	Includes one representative of public community and junior colleges
Montana	Commission on Federal Higher Education Programs	10	Includes seven members of the Board of Regents of Higher Education who are viewed as representative of the general public and the Montana University System which includes community colleges
New Jersey	New Jersey Board of Higher Education	18	Includes the chairman of the Council of Community Colleges

State	Commission Established	Number of Members	Representation of Public Community and Junior Colleges
New Mexico	Board of Educational Finance	13	Charged by law with planning for all aspects of postsecondary education
New York	Regents of the University of the State of New York	15	Elected by concurrent resolution of both houses of the Legislature--responsibilities embrace all postsecondary institutions--public, private, and proprietary
North Dakota	North Dakota Higher Education Facilities Commission	10	Includes one representative of public community colleges and area vocational schools
Ohio	Ohio Board of Regents	9	Appointed by the Governor and confirmed by the Senate--restricted to representatives of the general public--seeks counsel regularly from standing advisory committees composed of institutional representatives--proposes to impanel a permanent advisory council for Section 1202 with representation of all institutional categories

State	Commission Established	Number of Members	Representation of Public Community and Junior Colleges
Oklahoma	Oklahoma State Regents for Higher Education	9	Appointed by the Governor--restricted to appointment of lay citizens--will request the Commission to provide for an advisory committee to include representatives of institutions and students
Oregon	Educational Coordinating Council	11	Includes the president of a community college and the student body president of that college--required by Oregon statute to meet membership requirements of all federal programs administered
Wyoming	Wyoming Higher Education Council	9	Includes one designated representative of community colleges who is a member of the Community College Commission

Source: Letters from governors to Commissioner Ottina

North Dakota, Ohio, Oklahoma, Oregon, and Wyoming.

Membership on these commissions ranges from 8 in Idaho to 18 in New Jersey. The average for all 19 states is 12 members.

As the table reveals, commission members in some states are identified as being representative of the general public or specific types of institutions. In other states, members are viewed as being representative of the general public and some or all postsecondary institutions.

Augmented Commissions

As shown in table 5, states that chose to augment existing state agencies or state commissions are Arkansas, Hawaii, Maine, Massachusetts, Pennsylvania, Rhode Island, South Carolina, Utah, and Washington.

Membership on these commissions ranges from 14 in Hawaii to 28 in Washington. The average for all 9 states is 18 members.

In general, new members on these commissions were designated for the purpose of improving representation from the general public or specific types of institutions, particularly public vocational schools, private nonprofit institutions, and proprietary institutions. Letters from governors indicated time and again a desire to meet the requirements of Section 1202 in terms of representation.

Prospects for the Future

Given the fact that 43 states and several territories have established Section 1202 state commissions for funding during the current year, prospects for continued funding of Section 1203 and initial funding of Title X are much better.

Table 5

AUGMENTED COMMISSIONS AND REPRESENTATION OF PUBLIC COMMUNITY AND JUNIOR COLLEGES

State	Commission Established	Number of Members	Representation of Public Community and Junior Colleges
Arkansas	Arkansas Postsecondary Education Planning Commission	15	Includes the ten members of the State Board of Higher Education which has coordinating responsibilities for community colleges and state-supported senior colleges and universities
Hawaii	Hawaii State Post-Secondary Education Commission	14	Includes the ten members of the Board of Regents of the University of Hawaii
Maine	Maine Postsecondary Education Commission	15	Includes the nine members of the State Board of Education plus two trustees of the University of Maine
Massachusetts	Massachusetts Post-secondary Education Commission	17	Includes the seven members of the Board of Higher Education plus a representative of the regional community colleges
Pennsylvania	Pennsylvania Post-secondary Education Commission	17	Includes the nine members of the Council of Higher Education, State Board of Education plus the president of a community college who represents the Commission for Community Colleges

State	Commission Established	Number of Members	Representation of Public Community and Junior Colleges
Rhode Island	Rhode Island Post-secondary Education Commission	19	Includes the 15 members of the Rhode Island Board of Regents for Education--broadly representative of industry, business, labor, government, and minority interests
South Carolina	South Carolina Post-Secondary Education Commission	20	Includes the 17 members of the South Carolina Commission on Higher Education, one of whom is chairman of the State Board for Technical and Comprehensive Education
Utah	Utah State Board of Regents	18	Includes the 15 members of the Utah State Board of Regents who are appointed by the Governor with the advice and consent of the Senate and are selected from the state at large with due consideration for geographical representation
Washington	Washington State Council on Higher Education	28	Includes the 23 members of the Council on Higher Education one of whom represents a community college and one of whom serves as director of the State Board for Community College Education

Source: Letters from governors to Commissioner Ottina

To be sure, the amount each commission will receive this year is relatively small. A letter from Acting Associate Commissioner John D. Phillips to Executive Officers of Section 1202 State Commissions dated April 26, 1974, indicates that the amount will be approximately $22,000 to $23,000. However, as Martorana pointed out, there is growing support at the state level for comprehensive planning that involves all post-secondary institutions regardless of the availability of federal funds. This is also reflected in the report of the Education Commission of the States quoted earlier.

Trends throughout the nation are compelling a new form of statewide planning that cannot be ignored by any segment of postsecondary education, including community and junior colleges. Planning that focuses on the needs of particular segments will no doubt continue, and should continue, but the new reality is a broader focus that corresponds to the requirements of Section 1202.

This reality has not been ignored by the American Association of Community and Junior Colleges. According to the June/July 1974 issue of the Community and Junior College Journal, one of the five top priorities of this association for federal appropriations in fiscal 1975 is a recommendation of $3.3 million for state postsecondary education commissions. This is followed by recommendations totaling $215.7 million for Parts A and B of Title X.

Comprehensive statewide planning as defined in Section 1203 and supplemented in Title X certainly has support from this segment of the post-secondary education community. It also has the support of Congressman

James G. O'Hara, Democrat from Michigan, who pointed to the possibilities for federal funding in an address published in the February 1974 issue of the Community and Junior College Journal. As he said, "taking advantage of the simple language of Section 1202 will set in motion a force that will lend enormous impetus to the eventual funding of Title X, and the unleashing of substantial amounts of federal funding to the junior and community colleges."

Appendix A

SECTIONS 1202 AND 1203

(d) The amendments made by this section shall be effective after June 30, 1971. Effective date.

PART L—POSTSECONDARY EDUCATION COMMISSION, COMPREHENSIVE PLANNING, AND COST OF EDUCATION DATA

AMENDMENTS TO TITLE XII OF THE HIGHER EDUCATION ACT OF 1965

SEC. 196. Title XII of the Higher Education Act of 1965 is amended by adding after section 1201 the following two new sections: Ante, p. 260.

"STATE POSTSECONDARY EDUCATION COMMISSIONS

"SEC. 1202. (a) Any State which desires to receive assistance under section 1203 or title X shall establish a State Commission or designate an existing State agency or State Commission (to be known as the State Commission) which is broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State including community colleges (as defined in title X), junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four-year institutions of higher education and branches thereof. Post, p. 325. Ante, p. 312.

"(b) Such State Commission may establish committees or task forces, not necessarily consisting of Commission members, and utilize existing agencies or organizations, to make studies, conduct surveys, submit recommendations, or otherwise contribute the best available expertise from the institutions, interest groups, and segments of the society most concerned with a particular aspect of the Commission's work.

"(c)(1) At any time after July 1, 1973, a State may designate the State Commission established under subsection (a) as the State agency or institution required under section 105, 603, or 704. In such a case, the State Commission established under this section shall be deemed to meet the requirements of such sections for State agencies or institutions. 79 Stat. 1220, 1262. 20 USC 1005, 1123.

"(2) If a State makes a designation referred to in paragraph (1)— Ante, p. 290.

"(A) the Commissioner shall pay the State Commission the amount necessary for the proper and efficient administration of the Commission of the functions transferred to it by reason of the designation; and

"(B) the State Commission shall be considered the successor agency to the State agency or institution with respect to which the designation is made, and action theretofore taken by the State agency or institution shall continue to be effective until changed by the State Commission.

"(d) Any State which desires to receive assistance under title VI or under title VII but which does not desire, after June 30, 1973, to place the functions of State Commissions under such titles under the authority of the State Commission established pursuant to subsection (a) shall establish for the purposes of such titles a State Commission which is broadly representative of the public and of institutions of higher education (including junior colleges and technical institutes) in the State. Such State Commissions shall have the sole responsibility for the administration of State plans under such titles VI and VII within such State. 20 USC 1121. Ante, p. 288.

86 STAT. 325

"COMPREHENSIVE STATEWIDE PLANNING

"SEC. 1203. (a) The Commissioner is authorized to make grants to any State Commission established pursuant to section 1202(a) to enable it to expand the scope of the studies and planning required in title X through comprehensive inventories of, and studies with respect to, all public and private postsecondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded, or altered so that all persons within the State who desire, and who can benefit from, postsecondary education may have an opportunity to do so.

Ante, p. 312.

"(b) The Commissioner shall make technical assistance available to State Commissions, if so requested, to assist them in achieving the purposes of this section.

"(c) There are authorized to be appropriated such sums as may be necessary to carry out this section.".

Appropriation.

FURNISHING COST OF EDUCATION DATA

SEC. 197. Title XII of the Higher Education Act of 1965 is further amended by adding at the end thereof the following new section:

Ante, p. 324.

"COST OF EDUCATION DATA

"SEC. 1206. The Commissioner may require as a condition of eligibility of any institution of higher education—

"(1) for institutional aid, at the earliest practical date, or

"(2) for student aid, after June 30, 1973,

that such institution supply such cost-of-education data as may be in the possession of such institution.".

TITLE II—VOCATIONAL EDUCATION

SPECIAL PROGRAMS FOR THE DISADVANTAGED

SEC. 201. Section 102(b) of the Vocational Education Act of 1963 is amended by inserting after "1972," the following: "and for the succeeding fiscal years ending prior to July 1, 1975,".

82 Stat. 1064; 84 Stat. 188. 20 USC 1242.

CLARIFICATION OF DEFINITION OF VOCATIONAL EDUCATION WITH RESPECT TO INDIVIDUAL ARTS PROGRAMS; INCLUSION OF VOLUNTEER FIREMEN

SEC. 202. (a) Section 108(1) of the Vocational Education Act of 1963 is amended by inserting at the end thereof the following new sentence: "Such term includes industrial arts education programs in cases where the Commissioner determines by regulation that such programs will accomplish or facilitate one or more of the purposes of the first sentence of this paragraph".

20 USC 1248.

(b) Such section 108(1) is further amended by inserting immediately after the word "employment" the first time it appears in such section the following: "(including volunteer firemen)".

EXEMPLARY PROGRAMS AND PROJECTS

SEC. 203. Section 142(a) of the Vocational Education Act of 1963 is amended by striking out "two" and inserting in lieu thereof "five".

20 USC 1302.

Appendix B

TITLE X -- COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

"(c) No funds may be expended under this title for undergraduate travel except in accordance with rules prescribed by the Secretary setting forth policies and procedures to assure that Federal funds made available for such travel are expended as part of a formal program of supervised study." Restriction.

(b) Section 603 of such Act is amended by striking out "and $38,500,000 for the fiscal year ending June 30, 1971," and by inserting in lieu thereof the following: "$38,500,000 for each of the fiscal years ending June 30, 1971, and June 30, 1972, $50,000,000 for the fiscal year ending June 30, 1973, and $75,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975,". 78 Stat. 1107; 82 Stat. 1057. 20 USC 513.

EXTENSION OF THE INTERNATIONAL EDUCATION ACT OF 1966

SEC. 183. Section 105(a) of the International Education Act of 1966 is amended by inserting after the second sentence thereof the following new sentence: "There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975, for the purpose of carrying out the provisions of this title.". 80 Stat. 1068; 82 Stat. 1062. 20 USC 1176.

PART J—IMPROVEMENT OF COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

AMENDMENT TO THE TITLE X OF THE HIGHER EDUCATION ACT OF 1965

SEC. 186. (a)(1) Title X of the Higher Education Act of 1965 is amended to read as follows: 82 Stat. 1047. 20 USC 1135.

"TITLE X—COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

"PART A—ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLEGES

"Subpart 1—Statewide Plans

"SEC. 1001. (a) Each State Commission (established or designated under section 1202) of each State which desires to receive assistance under this subpart shall develop a statewide plan for the expansion or improvement of postsecondary education programs in community colleges or both. Such plan shall among other things— Post, p. 324.

"(1) designate areas, if any, of the State in which residents do not have access to at least two years of tuition-free or low-tuition postsecondary education within reasonable distance;

"(2) set forth a comprehensive statewide plan for the establishment, or expansion, and improvement of community colleges, or both, which would achieve the goal of making available, to all residents of the State an opportunity to attend a community college (as defined in section 1018); Post, p. 315.

"(3) establish priorities for the use of Federal and non-Federal financial and other resources which would be necessary to achieve the goal set forth in clause (2);

"(4) make recommendations with respect to adequate State and local financial support, within the priorities set forth pursuant to clause (3), for community colleges;

"(5) set forth a statement analyzing the duplications of postsecondary educational programs and make recommendations for the coordination of such programs in order to eliminate unnecessary or excessive duplications; and

"(6) set forth a plan for the use of existing and new educational resources in the State in order to achieve the goal set forth in clause (2), including recommendations for the modification of State plans for federally assisted vocational education, community services, and academic facilities as they may affect community colleges.

Advisory councils on community colleges.

In carrying out its responsibilities under this subsection, each State Commission shall establish an advisory council on community colleges which shall—

"(A) be composed of—

"(i) a substantial number of persons in the State (including representatives of State and local agencies) having responsibility for the operation of community colleges;

"(ii) representatives of State agencies having responsibility for or an interest in postsecondary education; and

"(iii) the general public;

"(B) have responsibility for assisting and making recommendations to the State Commission in developing the statewide plan required under this section;

"(C) conduct such hearings as the State Commission may deem advisable; and

"(D) pursuant to requirements established by the State Commission, provide each State and local agency within the State responsible for postsecondary education an opportunity to review and make recommendations with respect to such plan.

Appropriation.

"(b)(1) There is hereby authorized to be appropriated $15,700,000 during the period beginning July 1, 1972, and ending June 30, 1974, to carry out the provisions of this section.

"(2) Sums appropriated pursuant to paragraph (1) shall be allotted by the Commissioner equally among the States, except that the amount allotted to Guam, American Samoa, and the Virgin Islands shall not exceed $100,000 each. Such sums shall remain available until expended.

"(c) Each plan developed and adopted pursuant to subsection (a) shall be submitted to the Commissioner for his approval. The Commissioner shall not approve any plan unless he determines that it fulfills the requirements of this section.

"Subpart 2—Establishment and Expansion of Community Colleges

"PROGRAM AUTHORIZATION

"SEC. 1011. (a) In order to encourage and assist those States and localities which so desire in establishing or expanding community colleges, or both, the Commissioner shall carry out a program as provided in this subpart for making grants to community colleges in order to improve educational opportunities available through community colleges in such States.

Appropriations.

"(b) For the purpose of carrying out this subpart, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975.

"APPORTIONMENTS

"SEC. 1012. (a) From the sums appropriated pursuant to section 1011(b) for each fiscal year the Commissioner shall apportion not more than 5 per centum thereof among Puerto Rico, Guam, American Samoa and the Virgin Islands according to their respective needs. From the

remainder of such sums the Commissioner shall apportion to each State an amount which bears the same ratio to such remainder as the population aged eighteen and over in such State bears to the total of such population in all States. For the purpose of the second sentence of this subsection, the term 'State' does not include Puerto Rico, Guam, American Samoa and the Virgin Islands. "State."

"(b) The portion of any State's apportionment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such apportionment is available, for carrying out the purposes of this subpart shall be available for reapportionment from time to time, on such dates during such period as the Commissioner shall fix, to other States in proportion to the original apportionments to such States under subsection (a) for such year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out such portion of its State plan referred to in section 1001(a)(2) approved under this subpart, and the total of such reductions shall be similarly reapportioned among the States whose proportionate amounts are not so reduced. Any amount reapportioned to a State under this subsection during a year shall be deemed part of its apportionment under subsection (a) for such year.

"ESTABLISHMENT GRANTS

"SEC. 1013. (a) The Commissioner is authorized to make grants to new community colleges to assist them in planning, developing, establishing, and conducting initial operations of new community colleges in areas of the States in which there are no existing community colleges or in which existing community colleges cannot adequately provide postsecondary educational opportunities for all of the residents thereof who desire and can benefit from postsecondary education.

"(b) For the purposes of subsection (a), the term 'new community college' means a board of trustees or other governing board (or its equivalent) which is established by, or pursuant to, the law of a State, or local government, for the purpose of establishing a community college, as defined in section 1018, or any existing board so established which has the authority to create, and is in the process of establishing, a new community college. "New community college."

Post, p. 315.

"EXPANSION GRANTS

"SEC. 1014. The Commissioner is authorized to make grants to existing community colleges to assist them—

"(1) in expanding their enrollment capacities,

"(2) in establishing new campuses, and

"(3) in altering or modifying their educational programs,

in order that they may (A) more adequately meet the needs, interests, and potential benefits of the communities they serve, or (B) provide educational programs especially suited to the needs of educationally disadvantaged persons residing in such communities.

"LEASE OF FACILITIES

"SEC. 1015. (a) The Commissioner is authorized to make grants to community colleges to enable them to lease facilities, for a period of not to exceed five years, in connection with activities carried out by them under section 1013 or section 1014.

Federal share, limitations.

"(b) The Federal share of carrying out a project through a grant under this section shall not exceed—

"(1) 70 per centum of the cost of such project for the first year of assistance under this section;

"(2) 50 per centum thereof for the second such year;

"(3) 30 per centum thereof for the third such year; and

"(4) 10 per centum thereof for the fourth such year.

"APPLICATIONS; FEDERAL SHARE

"SEC. 1016. (a)(1) Grants under sections 1013 and 1014 may be made only upon application to the Commissioner. Applications for assistance under such sections shall be submitted at such time, in such manner and form, and containing such information as the Commissioner shall require by regulation.

"(2) No application submitted pursuant to paragraph (1) shall be approved unless the Commissioner determines that it is consistent with the plan approved by him under section 1001 from the State in which the applicant is located.

Limitations.

"(b)(1) No application for assistance under section 1013 or 1014 shall be approved for a period of assistance in excess of four years.

"(2) The Federal share of the cost of carrying out the project for which assistance is sought in an application submitted pursuant to this section shall not exceed—

"(A) 40 per centum of such cost for the first year of assistance;

"(B) 30 per centum thereof for the second year of assistance;

"(C) 20 per centum thereof for the third year of assistance; and

"(D) 10 per centum thereof for the fourth year of assistance.

"(c)(1) Funds appropriated pursuant to section 1011 and granted under section 1013 or 1014 shall, subject to paragraph (2), be available for those activities the Commissioner determines to be necessary to carry out the purposes of such sections.

"(2) Such funds may be used (A) to remodel or renovate existing facilities, or (B) to equip new and existing facilities, but such funds may not be used for the construction of new facilities or the acquisition of existing facilities.

"PAYMENTS

"SEC. 1017. From the amount apportioned to each State pursuant to section 1012, the Commissioner shall pay to each applicant from that State which has had an application for assistance approved under this subpart the Federal share of the amount expended under such application.

"DEFINITIONS

"SEC. 1018. As used in this title, the term 'community college' means any junior college, postsecondary vocational school, technical institute, or any other educational institution (which may include a four-year institution of higher education or a branch thereof) in any State which—

"(1) is legally authorized within such State to provide a program of education beyond secondary education;

"(2) admits as regular students persons who are high school graduates or the equivalent, or at least 18 years of age;

"(3) provides a two-year postsecondary educational program leading to an associate degree, or acceptable for credit toward a bachelor's degree, and also provides programs of postsecondary vocational, technical, occupational, and specialized education;

"(4) is a public or other nonprofit institution;

"(5) is accredited as an institution by a nationally recognized accrediting agency or association, or if not so accredited—

"(A) is an institution that has obtained recognized pre-accreditation status from a nationally recognized accrediting body, or

"(B) is an institution whose credits are accepted on transfer, by not less than three accredited institutions, for credit on the same basis as if transferred from an institution so accredited.

"PART B—OCCUPATIONAL EDUCATION PROGRAMS

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1051. For the purpose of carrying out this part, there are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, $250,000,000 for the fiscal year ending June 30, 1974, and $500,000,000 for the fiscal year ending June 30, 1975. Eighty per centum of the funds appropriated for the first year for which funds are appropriated under this section shall be available for the purposes of establishing administrative arrangements under section 1055, making planning grants under section 1056, and for initiating programs under section 1057 in those States which have complied with the planning requirements of section 1056; and 20 per centum shall be available only for technical assistance under section 1059(a). From the amount appropriated for each succeeding fiscal year 15 per centum shall be reserved to the Commissioner for grants and contracts pursuant to section 1059(b).

Post, p. 318.
Post, p. 319.
Post, p. 321.

"ALLOTMENTS AND REALLOTMENTS AMONG STATES

"SEC. 1052. (a) From the sums appropriated under section 1051 for the first year for which funds are appropriated under that section (other than funds available only for technical assistance), the Commissioner shall first allot such sums as they may require (but not to exceed $50,000 each) to American Samoa and the Trust Territory of the Pacific Islands. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of persons sixteen years of age or older in such State bears to the number of such persons in all the States, except that the amount allotted to each State shall not be less than $100,000.

"(b) From the sums appropriated for any succeeding fiscal year under such section (other than funds reserved to the Commissioner), the Commissioner shall first allot such sums as they may require (but not to exceed $500,000 each) to American Samoa and the Trust Territory of the Pacific Islands. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of persons sixteen years of age or older in such State bears to the number of such persons in all the States, except that the amount allotted to each State shall not be less than $500,000.

"(c) The portion of any State's allotment under subsection (a) or (b) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the purposes of this part shall be available for reallotment from time to time, on such date or dates during such periods as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) or (b) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such States need

and will be able to use for such period, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) or (b) for such year.

"FEDERAL ADMINISTRATION

"SEC. 1053. The Secretary shall develop and carry out a program designed to promote and encourage occupational education, which program shall—

"(1) provide for the administration by the Commissioner of Education of grants to the States authorized by this part;

"(2) assure that manpower needs in subprofessional occupations in education, health, rehabilitation, and community and welfare services are adequately considered in the development of programs under this part;

"(3) promote and encourage the coordination of programs developed under this part with those supported under part A of this title, the Vocational Education Act of 1963, the Manpower Development and Training Act of 1962, title I of the Economic Opportunity Act of 1964, the Public Health Service Act, and related activities administered by various departments and agencies of the Federal Government; and

20 USC 1241 note.
42 USC 2571 note.
42 USC 2711, 201 note.

"(4) provide for the continuous assessment of needs in occupational education and for the continuous evaluation of programs supported under the authority of this part and of related provisions of law.

"GENERAL RESPONSIBILITIES OF COMMISSIONER OF EDUCATION

"SEC. 1054. The Commissioner shall, in addition to the specific responsibilities imposed by this part, develop and carry out a program of occupational education that will—

"(1) coordinate all programs administered by the Commissioner which specifically relate to the provisions of this part so as to provide the maximum practicable support for the objectives of this part;

"(2) promote and encourage occupational preparation, counseling and guidance, and job placement or placement in postsecondary occupational education programs as a responsibility of elementary and secondary schools;

"(3) utilize research and demonstration programs administered by him to assist in the development of new and improved instructional methods and technology for occupational education and in the design and testing of models of schools or school systems which place occupational education on an equal footing with academic education;

79 Stat. 1254; 81 Stat. 93. 20 USC 1091 note.

"(4) assure that the Education Professions Development Act and similar programs of general application will be so administered as to provide a degree of support for vocational, technical, and occupational education commensurate with national needs and more nearly representative of the relative size of the population to be served; and

"(5) develop and disseminate accurate information on the status of occupational education in all parts of the Nation, at all levels of education, and in all types of institutions, together with information on occupational opportunities available to persons of all ages.

"STATE ADMINISTRATION

"SEC. 1055. (a) Any State desiring to participate in the program authorized by this part shall in accordance with State law establish a State agency or designate an existing State agency which will have sole responsibility for fiscal management and administration of the program, in accordance with the plan approved under this part, and which adopts administrative arrangements which will provide assurances satisfactory to the Commissioner that—

"(1) the State Advisory Council on Vocational Education will be charged with the same responsibilities with respect to the program authorized by this part as it has with respect to programs authorized under the Vocational Education Act of 1963; 82 Stat. 1064. 20 USC 1241 note.

"(2) there is adequate provision for individual institutions or groups of institutions and for local educational agencies to appeal and obtain a hearing from the State administrative agency with respect to policies, procedures, programs, or allocation of resources under this part with which such institution or institutions or such agencies disagree.

"(b) The Commissioner shall approve any administrative arrangements which meet the requirements of subsection (a), and shall not finally disapprove any such arrangements without affording the State administrative agency a reasonable opportunity for a hearing. Upon the final disapproval of any arrangement, the provisions for judicial review set forth in section 1058(b) shall be applicable. Post, p. 320.

"PLANNING GRANTS FOR STATE OCCUPATIONAL EDUCATION PROGRAMS

"SEC. 1056. (a) Upon the application of a State Commission (established or designated pursuant to section 1202), the Commissioner shall make available to the State the amount of its allotment under section 1052 for the following purposes— Post, p. 324.

"(1) to strengthen the State Advisory Council on Vocational Education in order that it may effectively carry out the additional functions imposed by this part; and

"(2) to enable the State Commission to initiate and conduct a comprehensive program of planning for the establishment of the program authorized by this part.

"(b) (1) Planning activities initiated under clause (2) of subsection (a) shall include—

"(A) an assessment of the existing capabilities and facilities for the provision of postsecondary occupational education, together with existing needs and projected needs for such education in all parts of the State;

"(B) thorough consideration of the most effective means of utilizing all existing institutions within the State capable of providing the kinds of programs assisted under this part, including (but not limited to) both private and public community and junior colleges, area vocational schools, accredited private proprietary institutions, technical institutes, manpower skill centers, branch institutions of State colleges or universities, and public and private colleges and universities;

"(C) the development of an administrative procedure which provides reasonable promise for resolving differences between vocational educators, community and junior college educators, college and university educators, elementary and secondary educators, and other interested groups with respect to the administration of the program authorized under this part; and

"(D) the development of a long-range strategy for infusing occupational education (including general orientation, counseling and guidance, and placement either in a job or in postsecondary occupational programs) into elementary and secondary schools on an equal footing with traditional academic education, to the end that every child who leaves secondary school is prepared either to enter productive employment or to undertake additional education at the postsecondary level, but without being forced prematurely to make an irrevocable commitment to a particular educational or occupational choice; and

"(E) the development of procedures to insure continuous planning and evaluation, including the regular collection of data which would be readily available to the State administrative agency, the State Advisory Council on Vocational Education, individual educational institutions, and other interested parties (including concerned private citizens).

"(2) Planning activities carried on by the State Commission under this section shall involve the active participation of—

"(A) the State board for vocational education;

"(B) the State agency having responsibility for community and junior colleges;

"(C) the State agency having responsibility for higher education institutions or programs;

"(D) the State agency responsible for administering public elementary and secondary education;

"(E) the State agency responsible for programs of adult basic education;

"(F) representatives of all types of institutions in the State which are conducting or which have the capability and desire to conduct programs of postsecondary occupational education;

"(G) representatives of private, nonprofit elementary and secondary schools;

"(H) the State employment security agency, the State agency responsible for apprenticeship programs, and other agencies within the State having responsibility for administering manpower development and training programs;

"(I) the State agency responsible for economic and industrial development;

"(J) persons familiar with the occupational education needs of the disadvantaged, of the handicapped, and of minority groups; and

"(K) representatives of business, industry, organized labor, agriculture, and the general public.

"(c) The Commissioner shall not approve any application for a grant under section 1057 of this part unless he is reasonably satisfied that the planning described in this section (whether or not assisted by a grant under this section) has been carried out.

"PROGRAM GRANTS FOR STATE OCCUPATIONAL EDUCATION PROGRAMS

"SEC. 1057. (a) From the allotments available to the States under section 1052(b) (upon application by the State administrative agency designated or established under section 1055), the Commissioner shall make grants to any State which has satisfied the requirements of section 1058. Such grants may be used for the following purposes—

"(1) assist the State administrative agency designated or established under section 1055;

"(2) the design, establishment, and conduct of programs of postsecondary occupational education (or the expansion and improvement of existing programs) as defined by section 1060 of this part;

"(3) the design, establishment, and conduct of programs to carry out the long-range strategy developed pursuant to section 1056(b)(1)(D) for infusing into elementary and secondary education occupational preparation, which shall include methods of involving secondary schools in occupational placement and methods of providing followup services and career counseling and guidance for persons of all ages as a regular function of the educational system;

"(4) the design of high-quality instructional programs to meet the needs for postsecondary occupational education and the development of an order of priorities for placing these programs in operation;

"(5) special training and preparation of persons to equip them to teach, administer, or otherwise assist in carrying out the program authorized under this part (such as programs to prepare journeymen in the skilled trades or occupations for teaching positions); and

"(6) the leasing, renting, or remodeling of facilities required to carry out the program authorized by this part.

"(b) Programs authorized by this part may be carried out through contractual arrangements with private organizations and institutions organized for profit where such arrangements can make a contribution to achieving the purposes of this part by providing substantially equivalent education, training, or services more readily or more economically, or by preventing needless duplication of expensive physical plant and equipment, or by providing needed education or training of the types authorized by this part which would not otherwise be available.

"ASSURANCES; JUDICIAL REVIEW

"SEC. 1058. (a) Before making any program grant under this part the Commissioner shall receive from the State Commission an assurance satisfactory to him that the planning requirements of section 1056 have been met and from the State administrative agency assurances satisfactory to him that—

"(1) the State Advisory Council on Vocational Education has had a reasonable opportunity to review and make recommendations concerning the design of the programs for which the grant is requested;

"(2) Federal funds made available under this part will result in improved occupational education programs, and in no case supplant State, local, or private funds;

"(3) adequate provision has been made by such agency for programs described in section 1057(a)(3);

"(4) provision has been made for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this part;

"(5) to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served by an elementary or secondary school program funded under this part, provision has been made for the effective participation of such students; and

Reports.

"(6) reports will be made in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this part.

"(b)(1) Whenever the Commissioner, after reasonable notice and opportunity for a hearing to the State administrative agency, finds that any of the assurances required by subsection (a) are unsatisfactory, or that in the administration of the program there is a failure to comply with such assurances or with other requirements of the part, the Commissioner shall notify the administrative agency that no further payments will be made to the State under this part until he is satisfied there has been or will be compliance with the requirements of the part.

"(2) A State administrative agency which is dissatisfied with a final action of the Commissioner under this section or under section 1055 (with respect to approval of State administration) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently but until the filing of the record the Commissioner may modify or set aside his action. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

72 Stat. 941; 80 Stat. 1323.

62 Stat. 928.

"TECHNICAL ASSISTANCE; MODEL PROGRAMS

"SEC. 1059. (a) The Commissioner shall make available (to the extent practicable) technical assistance to the States in planning, designing, and carrying out the program authorized by this part upon the request of the appropriate State agency designated or established pursuant to section 1055 or section 1202 and the Commissioner shall take affirmative steps to acquaint all interested organizations, agencies, and institutions with the provision of this part and to enlist broad public understanding of its purposes.

Post, p. 324.

"(b) From the sums reserved to the Commissioner under section 1051, he shall by grant or contract provide assistance—

"(1) for the establishment and conduct of model or demonstration programs which in his judgment will promote the achievement of one or more purposes of this part and which might otherwise not be carried out (or not be carried out soon enough or in such a way as to have the desirable impact upon the purposes of the part);

"(2) as an incentive or supplemental grant to any State administrative agency which makes a proposal for advancing the purposes of this part which he feels holds special promise for meeting occupational education needs of particular groups or classes of persons who are disadvantaged or who have special needs, when such proposal could not reasonably be expected to be carried out under the regular State program; and

"(3) for particular programs or projects eligible for support under this part which he believes have a special potential for helping to find solutions to problems on a regional or national basis.

"(c) In providing support under subsection (b) the Commissioner may as appropriate make grants to or contracts with public or private agencies, organizations, and institutions, but he shall give first preference to applications for projects or programs which are administered by or approved by State administrative agencies, and he shall in no case make a grant or contract within any State without first having afforded the State administrative agency reasonable notice and opportunity for comment and for making recommendations.

"DEFINITIONS

"SEC. 1060. For the purposes of this part—

"(1) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and (except for the purposes of subsections (a) and (b) of section 1052) American Samoa and the Trust Territory of the Pacific Islands.

"(2) The term 'postsecondary occupational education' means education, training, or retraining (and including guidance, counseling, and placement services) for persons sixteen years of age or older who have graduated from or left elementary or secondary school, conducted by an institution legally authorized to provide postsecondary education within a State, which is designed to prepare individuals for gainful employment as semi-skilled or skilled workers or technicians or subprofessionals in recognized occupations (including new and emerging occupations), or to prepare individuals for enrollment in advanced technical education programs, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies by regulation, to be generally considered professional or which require a baccalaureate or advanced degree.

"PART C—ESTABLISHMENT OF AGENCIES

"ESTABLISHMENT OF BUREAU OF OCCUPATIONAL AND ADULT EDUCATION

"SEC. 1071. (a) There is hereby established in the United States Office of Education a Bureau of Occupational and Adult Education hereinafter referred to as the Bureau, which shall be responsible for the administration of this title, the Vocational Education Act of 1963, including parts C and I thereof, the Adult Education Act, functions of the Office of Education relating to manpower training and development, functions of the Office relating to vocational, technical, and occupational training in community and junior colleges, and any other Act vesting authority in the Commissioner for vocational, occupational, adult and continuing education and for those portions of any legislation for career education which are relevant to the purposes of other Acts administered by the Bureau.

82 Stat. 1064.
20 USC 1241 note.
20 USC 1281, 1991.
84 Stat. 159.
20 USC 1201 note.

"(b)(1) The Bureau shall be headed by a person (appointed or designated by the Commissioner) who is highly qualified in the fields of vocational, technical, and occupational education, who is accorded the rank of Deputy Commissioner, and who shall be compensated at the rate specified for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

5 USC 5332 note.

"(2) Additional positions are created for, and shall be assigned to, the Bureau as follows:

"(A) Three positions to be placed in grade 17 of such General Schedule, one of which shall be filled by a person with broad experience in the field of junior and community college education,

"(B) Seven positions to be placed in grade 16 of such General Schedule, at least two of which shall be filled by persons with broad experience in the field of postsecondary-occupational education in community and junior colleges, at least one of which shall be filled by a person with broad experience in education in private proprietary institutions, and at least one of which shall be filled by a person with professional experience in occupational guidance and counseling, and

"(C) Three positions which shall be filled by persons at least one of whom is a skilled worker in a recognized occupation, another is a subprofessional technician in one of the branches of engineering, and the other is a subprofessional worker in one of the branches of social or medical services, who shall serve as senior advisers in the implementation of this title.

"COMMUNITY COLLEGE UNIT

"SEC. 1072. (a) There is established, in the Office of Education, a Community College Unit (in this section referred to as the 'Unit') which shall have the responsibility for coordinating all programs administered by the Commissioner which affect, or can benefit, community colleges, including such programs assisted under this Act, and the Vocational Education Act of 1963.

82 Stat. 1064. 20 USC 1241 note.

"(b) The Unit shall be headed by a Director who shall be placed in grade 17 of the General Schedule under section 5332 of title 5, United States Code.".

(2) The positions created by section 1071 and section 1072 of the Higher Education Act of 1965 shall be in addition to the number of positions placed in the appropriate grades under section 5108, title 5, United States Code.

80 Stat. 453; Post, p. 347. Effective date.

(b) The amendments made by subsection (a) shall be effective after June 30, 1972.

PART K—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

AMENDMENTS TO TITLE XI OF THE HIGHER EDUCATION ACT OF 1965

82 Stat. 1048. 20 USC 1136.

SEC. 191. (a) Title XI of the Higher Education Act of 1965 is amended by inserting "grant or" before "contract", and "grants or" before "contracts" wherever they appear.

(b) Clause (5) of section 1101(b) of such Act is amended to read as follows:

"(5) equipment and library resources; and".

20 USC 1136b.

(c) Section 1103 of such Act is amended by striking out "$340,000 for the fiscal year ending June 30, 1969", and by striking out "fiscal years ending June 30, 1970, and June 30, 1971", and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975". Such section is further amended by striking out the second sentence.

Appendix C

SURVEY BY THE EDUCATION
COMMISSION OF THE STATES

(Reproduced with permission
from Dr. Richard M. Millard, Director
of Higher Education Services,
Education Commission of the States)

SURVEY OF PRESENT STATUS OF STATE PLANNING FOR THE

1202 STATE COMMISSIONS

(Section 1202, Education Amendments of 1972)

March 30, 1973

Action Pending	Action by Governor	Legislation Introduced	Legislative Action	Comment
X				ALABAMA: When the guidelines are released, it is planned that a bill will be introduced to designate the Commission on Higher Education, augmented by about 5 persons, as the 1202 commission.
		X		ALASKA: House Bill 180, passed by the House and now in the Senate, creates the 1202 commission. The bill was amended to include legislators on the 11-member commission and to require legislative confirmation of the ex officio members. Senate might eliminate the legislative confirmation clause but could retain the specification of legislators on the commission. The state scholarship program administration will be assumed by the commission.
X				ARIZONA: An ad hoc committee was set up by the governor and met once. After the first meeting it was decided to wait for the final guidelines. After receipt of the Ottina letter, the chairman disbanded the committee and the Commission on Higher Education (Board of Regents) has withheld further action.
X				ARKANSAS: A proposed bill has been drafted which designates the Department of Higher Education as the 1202 commission; however it is not conclusive that the bill will remain as drafted or be revised to specify a new agency. The bill probably will not be submitted unless the guidelines are released.

Action Pending	Action by Governor	Legislation Introduced	Legislative Action	Comment
		X		CALIFORNIA: Assembly Bill 770 has introduced a bill which embodies the recommendations of the Joint Committ on the Master Plan. The bill specif that a postsecondary education counc be created and that the council will serve as the 1202 commission. This language will remain in the bill.
X				COLORADO: The state is waiting for final guidelines and regulations. I also recognizes that the Commission Higher Education will require some reorganization of its membership suc as the addition of a woman.
		X		CONNECTICUT: The Commission believe no legislation is required and that governor can designate the 1202 comm A measure has been introduced naming the Commission as the 1202 commissio including responsibility for develop strategy for encouraging vocational-technical education in elementary-secondary schools. The measure is committee with no opposition and is awaiting an attorney general opinion as to whether legislation is needed.
X				DELAWARE: Prior to the Ottina lette both the Council of Presidents and facilities commission had made rec-commendations to the governor. The council recommended that it be the base for the 1202 commission augmen by additional persons to meet the requirements. The facilities commi has indicated that it would be will to serve as the 1202, also augmente
X				FLORIDA: At the date of receipt of Ottina letter, the State Commission of Education had determined that th Board of Education (comprised of th Cabinet of the state government) sh be the 1202 commission with a staff be appointed to implement the commi The question of staffing has not be further considered.

Action Pending	Action by Governor	Legislation Introduced	Legislative Action	Comment
X				GEORGIA: No action has been taken regarding the appointment of the 1202 commission although prior to the Ottina letter, discussions had been held and the governor was nearing a decision.
X				HAWAII: The president of the university system had, in a memorandum, presented his recommendations concerning the 1202 commission and the governor had indicated that he would defer to the president's proposal and advice. No further action has developed.
X				IDAHO: The governor had agreed to designate the State Board of Education as the 1202 commission, augmented by no more persons than necessary. A plan was being developed but such development has now been halted. The current feeling on the part of the governor is on the negative side unless it means a sustantial loss of federal funds.
X	(see comment)			ILLINOIS: The Board of Higher Education has requested the governor to designate it the 1202 commission. The governor has not as yet acted, but is expected to shortly.
X				INDIANA: The current feeling within the state is that a 1202 commission is unnecessary as the Commission for Higher Education now performs the specified functions. If it can be shown that such a commission would be to the advantage of the state, then a 1202 commission would be considered.

Action Pending	Action by Governor	Legislation Introduced	Legislative Action	Comment
		X		IOWA: A special higher education stuc committee was formed to study all segments of postsecondary education in the state. The committee moved ahead in anticipation of the guidelin and had a first draft of a minimal 1202 commission bill (parts of which the Regents had objection to). Following receipt of the Ottina lette the chairman of the committee intro- duced the bill personally and on his own. It is now in committee and unlikely to pass.
X				KANSAS: The Board of Regents were wai for the final guidelines before initia action. The facilities commission hac drafted a bill designating the 1202 commission, but it has not been introduced.
X				KENTUCKY: The state is still waiting final guidelines and there has been nc official action to date.
	X			LOUISIANA: The governor has signed Executive Order Number 2 designating the Coordinating Council for Higher Education as the 1202 commission.
X				MAINE: Even before receipt of the Ottina letter, the governor and the chairman of the Senate education committee had decided not to create a 1202 commission. If the guidelines are released, they probably will not implement the commission unless substantial federal funds are involved although it is recognized that there is a need for coordination and planning in the state. However, an executive order has been developed in the event it is necessary for the governor to implement the commission.

Action Pending	Action by Governor	Legislation Introduced	Legislative Action	Comment
	X			MARYLAND: In October 1972 the governor by executive order designed the Council for Higher Education as the 1202 commission. No legislation has been proposed as yet.
X				MASSACHUSETTS: The state was waiting for the release of the final guidelines before development and action. No further discussions have been held since receipt of the Ottina letter.
X				MICHIGAN: No development of a 1202 commission has taken place. The governor, by letter, has indicated that the delay is appreciated in Michigan because it will allow more time to the state to review the established educational systems and planning capabilities.
X				MINNESOTA: All activities and discussions concerning the development of a 1202 commission have been postponed. The governor has written the Minnesota Congressional delegation indicating his concern.
	X	(see comment)		MISSISSIPPI: Although the governor by executive order designated the State Building Commission as the 1202 commission, the general consensus was that it could not qualify. House Bill 819, to create a separate agency to function as the 1202 commission, was passed in the House before receipt of the Ottina letter, but later died in Senate committee.

Action Pending	Action by Governor	Legislation Introduced	Legislative Action	Comment
	X	X		MISSOURI: The former governor by executive order designated the Commiss on Higher Education (to become the Department of Higher Education on July 1) as the 1202 commission and the present governor concurs. Two measures have been introduced designating the 1202 commission: in the House a bill designates the Commission on Higher Education; in the senate a measure designates the Department of Administration. Neither measure has been passed at the present time.
			X	MONTANA: A bill was introduced in the House creating a blue ribbon commission to study all postsecondary education in the state. One section indicated that the membership should satisfy the requirements for the 1202 commissions and in effect designated tl study commission as the 1202. Funds for the study were appropriated by the state legislature. The measure passed and has been signed by the governor.
		X		NEBRASKA: A measure, presently in committee, was introduced creating a statewide coordinating agency to serve also as the 1202 commission. Following the receipt of the Ottina letter, the higher education segments in the state indicated opposition and because of this delay of the guidelines, passage of the bill is doubtful.
X				NEVADA: The governor had made a decisi as to the structure of the 1202 commiss and had indicated he would designate the Board of Regents and add three members to the Board to meet the requirements. As of the present date, no action has been taken.

Action Pending	Action by Governor	Legislation Introduced	Legislative Action	Comment
		X		NEW HAMPSHIRE: A measure has been drafted (and will be introduced within a week) which creates a state commission on postsecondary education. The 21-member commission will be based on the preliminary 1202 commission guidelines.
X				NEW JERSEY: A memorandum was prepared by the Chancellor of Higher Education recommending that the Board of Higher Education be expanded to include representatives from vocational-technical and proprietary schools. No action has resulted or will result pending release of the final guidelines.
			X	NEW MEXICO: Legislation was proposed and passed, and has been signed by the governor, designating the Board of Educational Finance as the 1202 commission.
X				NEW YORK: A task force (the Keppel Task Force) has recommended that a state-wide planning council for all postseconda education be established which would also meet the 1202 commission requirements. The Regents do not agree as they feel they meet the requirements already. The Regents have secured an agreement from the postsecondary education community as to their serving as the 1202 commission and, if the guidelines are released the community would recommend to the governor that he concur.
X				NORTH CAROLINA: No action has taken place as the state was waiting for release of the final guidelines. No further action is contemplated at this time beyond the existing statutes.

Action Pending	Action by Governor	Legislation Introduced	Legislative Action	Comment
X		(see comment)		NORTH DAKOTA: Legislation was introduced to establish a new 12(commission, but although it pass(one house it was killed in the o(The bill would have repealed the facilities commission enabling s(and created a new 11-member agen(No further action has taken plac(
X				OHIO: No formal action has been initiated but the governor can designate the 1202 commission by executive order. The Board of R(has proposed that it be the basi: for the 1202 with augmentation t(the guidelines.
	X			OKLAHOMA: The governor by execu(order has designated the State R(for Higher Education as the 1202 commission.
	X			OREGON: The governor by executi(order designated the Educational Coordinating Council to serve as 1202 commission and no further a(is contemplated at the present t(The Council has taken action to (comment on grants for programs u(the Fund for the Improvement of Postsecondary Education, if the I Commissioner returns them for su(
X				PENNSYLVANIA: No formal action l place. It is anticipated the Bo(Education (or its Council on Hig(Education) would be designated t(1202 commission and that five ne(public members would be added to Board, providing the guidelines (released.

ction ending	Action by Governor	Legislation Introduced	Legislative Action	Comment
X				RHODE ISLAND: No decision has been made as yet as to a designation of a 1202 commission, but a percentage of funds from the facilities commission administrative budget are being held for the development of a 1202. Plans to change the composition of the Regents are being discussed by the governor and legislature. Release of the final guidelines could well affect how such a change would be structured.
X				SOUTH CAROLINA: Although much discussion has been and still continues to be held concerning which agency would serve as the 1202 commission, no action has resulted.
			X	SOUTH DAKOTA: The legislature has approved a reorganization of state government into 6 new agencies, including a statewide coordinating commission, effective July 1, 1973. The structure of the commission is specified to meet the 1202 requirements.
X				TENNESSEE: No action has taken place pending release of the final guidelines, although discussions have been held concerning the designation of the 1202 commission.
	X			TEXAS: The former governor by executive order designated the Coordinating Board, Texas College and University System the 1202 commission and the new governor has concurred. If needed, the membership of the Board will be adjusted by legislative action when the guidelines are released.
X				UTAH: No action has been developed as it was the opinion that the initial guidelines would have prevented the Board of Higher Education from qualifying. Consideration has been given to the Board serving as a basis for the 1202 commission and augmented to serve as the 1202.

Action Pending	Action by Governor	Legislation Introduced	Legislative Action	Comment
X				VERMONT: Many meetings have been held to discuss the 1202 commissions among all segments of postsecondary education and the governor had almost decided on the composition and structure, including problems concerning private and communit colleges. Since receipt of the Ottina letter, no action has been taken and all future meetings have been cancelled.
	X			VIRGINIA: The governor by executive ord designated the State Council of Higher Education as the 1202 commissipn and no further action has been taken.
	X			WASHINGTON: The governor by executive order designated the Council on Higher Education as the 1202 commission. Confirming legislation had been planned, but following receipt of the Ottina letter, this has been delayed.
X				WEST VIRGINIA: The state is waiting for the final guidelines before submitting legislation to have the Board of Regents augmented to serve as the 1202 commission.
X				WISCONSIN: The governor had recommende some changes in the membership of the facilities commission (Higher Educationa Aids Board), but did not designate any agency as the 1202 commission. No further action as of the present date.
			X	WYOMING: Legislation has been passed and signed into law reorganizing the Higher Education Council. The 9-member Council is designated as the 1202 commission in the act.

SOURCE: Telephone survey, March 28-30, 1973
N. M. Berve, Education Commission of the States
Higher Education Services.

Appendix D

LETTER FROM COMMISSIONER
OTTINA DATED MARCH 1, 1974

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

March 1, 1974

Dear Governor:

You are perhaps aware that the Labor-HEW Appropriations Act for Fiscal Year 1974 includes the sum of $3 million for Federal support of State Postsecondary Education Commissions. These monies have been made available by the Congress under the appropriation authority contained in Section 1203 of the Higher Education Act of 1965 (as amended in 1972), which provides that State Commissions established pursuant to Section 1202 of the same Act may apply to the U.S. Commissioner of Education for grant funds and/or technical assistance to support "...comprehensive inventories of, and studies with respect to all public and private postsecondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded or altered so that all persons within the State who desire, and who can benefit from postsecondary education may have an opportunity to do so."

In approving the $3 million appropriation which the Administration had requested, Congress recognized that much of the money would need to be obligated to support the Higher Education Facilities Commissions; and, indeed, that some of this money had already been obligated for this purpose under the continuing resolution. At the same time, however, the Congress also stated its intention "that a substantial portion of this appropriation should be made available" for Section 1203 planning grants and/or technical assistance to those States which desire to establish State Postsecondary Education Commissions under Section 1202. And finally, the Congress called upon the U.S. Office of Education "to do whatever is necessary" to see that those States which comply with the criteria for Postsecondary Education Commissions set forth in Section 1202 of the Higher Education Act, as amended, will "get assistance from this appropriation to move ahead in launching the work of these important commissions."

In accordance with Congressional intent, and after a careful review of the work which the Higher Education Facilities Commissions must complete during the remainder of Fiscal Year 1974, we have moved to limit the aggregate total of State allotments for work performed by the facilities commissions to a maximum figure of $2 million, leaving at least $1 million of the Section 1203 appropriation for FY 74 available to fund applications from Section 1202 State Commissions for Section 1203 planning grants and/or technical assistance.

With this action accomplished, we are now confronted with the question of what is necessary to bring about establishment of State Postsecondary Education Commissions which (a) will comply with the criteria set forth in Section 1202(a) of the Higher Education Act, and (b) will thereby qualify to apply for and receive Section 1203 planning grant funds and/or technical assistance from the $1 million which the U.S. Office of Education has reserved for such purposes in accordance with instructions from the Congress.

In reviewing the rather lengthy and substantial record of discussions on this subject, it seems to me that the salient points are as follows:

(1) There is no general Federal requirement that the States establish Section 1202 Commissions. Only those States which desire to receive assistance under the Section 1203 authority, i.e., from the $1 million which is presently reserved to support that authority, are required to establish Commissions which comply with the criteria set forth in Section 1202(a).

(2) If a State desires to receive Section 1203 assistance, and decides to establish a Section 1202 Commission in order to qualify for such assistance, the law implies three options from which the State may choose in meeting the criteria set forth in Section 1202(a): (a) creation of an entirely new Commission which meets the criteria of Section 1202(a), (b) designation of an existing State agency or State Commission, if it meets the Section 1202(a) criteria, or (c) expanding, augmenting, or reconstituting the membership of an existing State agency or State Commission to meet Section 1202(a) criteria.

(3) The only function which Federal law authorizes the designated 1202 Commission to perform, and for which the $1 million is being reserved from the FY 74 appropriation, is planning for postsecondary education. The expectation is that other State agencies and Commissions, local governments, and institutions of postsecondary education would use the results of planning activities undertaken by the State Commission to carry out their respective administrative responsibilities.

(4) In addition, the law provides two options between which the State may choose in providing for continuing State administration of the Community Services and Continuing Education authority (HEA Section 105), the Equipment for Undergraduate Instruction authority (HEA Section 603) and the Grants for Construction of Undergraduate Academic Facilities authority (HEA Section 704); namely, (a) designation of the Section 1202 Commission to serve as the State agency for purposes of administering any one or more of these program authorities, or (b) maintenance of separate State agencies or Commissions to administer these program authorities.

(5) Finally, and certainly most importantly, whichever option the State chooses to pursue in bringing about the establishment of a Section 1202 Commission, and whatever additional responsibilities the State decides to assign to the Commission beyond the planning responsibilities authorized under Section 1203, Section 1202(a) of the law prescribes that the State Commission must be "broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State including community colleges, junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four-year institutions of higher education and branches thereof."

This letter is intended as an invitation for you to advise me as to the course of action which will be followed with respect to implementation of Sections 1202 and 1203 of the Higher Education Act, as amended, in your State.

We hope you will find the procedure outlined in this letter to be comfortable, convenient, and effective in carrying out the intent of Congress with maximum respect for the prerogatives of the States. Several States have previously communicated with the U.S. Office of Education about some action or another with respect to Section 1202. Since we had not decided which approach or what conditions and criteria would be used to activate the Section 1203 planning grants program, the U.S. Office of Education is not in a position to recognize any correspondence prior to this letter as sufficient evidence of compliance with the procedures now agreed upon and set forth above.

If you have any questions or concerns, please get in touch with me or John D. Phillips, Acting Associate Commissioner for Student Assistance, who can be reached at Area Code 202--245-9436. In the meantime, we will be preparing application materials and funding criteria for the award of Section 1203 planning grants and technical assistance. We expect that planning grants made during this Fiscal Year will remain available for expenditure by the Section 1202 State Commissions through June 30, 1975.

Sincerely,

John Ottina
U.S. Commissioner
of Education

Enclosure: Copy of Sections 1202 and 1203, Higher Education Act of 1965, as amended

cc. State Higher Education Executive Officers
Chief State School Officers
State Higher Education Facilities Commissions (if different than SHEEO)
Executive Officer of State Boards for Vocational Education (if different than CSSO)
Executive Directors of State Community College Boards (if different from all of the above)

UNIVERSITY OF CALIF.
LOS ANGELES

AUG 2 1974

CLEARINGHOUSE FOR
JUNIOR COLLEGE
INFORMATION

If your State does not desire to establish a Section 1202 State Commission to apply for a planning grant and/or technical assistance under the FY 74 appropriation for Section 1203 planning activities, it would help us if you could notify the U.S. Office of Education of this fact as soon as possible.

If your State does desire to establish a State Commission which meets "broadly and equitably representative" criteria of Section 1202(a), an thereby qualifying said Commission to apply for and receive Section 12 planning grants and/or technical assistance from the FY 74 appropriati the U.S. Office of Education needs to receive the following informatio from you by April 15, 1974:

(1) Which of the three options for establishing a Section 1202 Commission has your State chosen to follow: (a) creation of a new Commission, (b) designation of an existing State agency or State Commission, or (c) expanding, augmenting or reconstituting the membership of an existing State agency or State Commission?

(2) Which, if any, of the following State-administered program authorities contained in the Higher Education Act has your State chosen to assign to the Section 1202 Commission:

(a) Community Services and Continuing Education (HEA Section 105)?

(b) Equipment for Undergraduate Instruction (HEA Section 603)?

(c) Grants for Construction of Undergraduate Academic Facilities (HEA Section 704)?

(3) What is the Commission's official name, address and telephone number?

(4) What are the names, mailing addresses and terms of office of the Commission's members?

(5) What is the name, title, mailing address, and telephone number of the Commission's principal staff officer?

(6) A letter signed by you explaining how the membership of your State Commission meets the "broadly and equitably representative" requirements of Section 1202(a) at the present moment, and what provisions have been made to insure continuing compliance with these requirements of the law.

Publications of the FSU Center for State and Regional Leadership (Since 1972)

TITLE	AUTHOR	DATE
Management Concepts and Higher Education	Louis W. Bender Richard C. Richardson, Jr.	May, 1972
Reorganizing For the Second Decade: Department of Community Colleges of the State Board of Education of North Carolina	Ben E. Fountain, Jr.	May, 1972
A Proposal For A Management Information System and a Planning, Programming, Budgeting System for the Regional Community Colleges of Connecticut	Searle F. Charles	July, 1972
Danger: Will External Degrees Reincarnate Bogus Degree Mills? A Challenge to State and National Agencies	Louis W. Bender and James A. Davis	July, 1972
Content Analysis As a Research Tool For Higher Education	Melvene Draheim Hardee, Editor	August, 1972
A Master Plan For Unit Cost Among Community Junior Colleges	Howard D. Sims	August, 1972
A Funding Model For Community College Operating Costs	Clement Lausberg	August, 1972
Proceedings of a National Invitation Conference on Post-Secondary Career Education For State Directors of Vocational Education, Community/ Junior Colleges, Adult & Continuing Education	FSU/UF Center for State and Regional Leadership and The Center for Vocational and Technical Education (Ohio) State U.) Cosponsers	January 18-20, 1973
First-Level Management: Legal Implications and Responsibilities for Selection and Retention of Faculty	Department of Higher Education, Florida State University	February, 1973
Organizing the Alabama State Junior College System for the Seventies	E. B. Moore, Jr.	April, 1973
A Plan For Planning For a State Community College System	Lee G. Henderson	June, 1973
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